

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34490 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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Manish Tiwari, son of Murari Tiwari, resident of mohalla Kalyanpur Guddu Sai, P.O. Sadar, P.S. Muffasil, district West Singhbhum, Chaibasa, Jharkhand

.... Petitioner

Versus

1. The State of Bihar
 2. Prem Lata Devi @ Nibha, d/o Rajendra Pathak, wife of Manish Tiwari, resident of mohalla Ambedkar Nagar, P.O. and P.S. Nawadah, district Nadadah
- Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Parties : Mr. Smt. Nirmala Kumari, APP 167

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-08-2016 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail. The petitioner, being the husband of the informant, apprehending his arrest in a case registered under Sections 498A and 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

On instruction, it is submitted that the petitioner admits marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition, which reads as follows :

“That the petitioner is the husband of the informant and always ready to keep his wife with full dignity.”

The learned counsel for the petitioner submits that the petitioner filed matrimonial suit, bearing Suit No. 14 of 2016,

before the Court of the Principal Judge, Family Court, Chaibasa, for the restitution of the conjugal rights.

Considering the present stand of the petitioner, above named, let the petitioner be released on **provisional anticipatory bail for six months** in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No. 24 of 2016 to the satisfaction of the Additional Chief Judicial Magistrate, III, Nawadah, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

Let the learned Court below issue notice to the informant and on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned Court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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