

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40015 of 2016

Arising Out of PS.Case No. -218 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

Bir Bahadur Ram

.... Petitioner/s

Versus

1. State of Bihar
2. Nitu Kumari Sinha

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunath Singh

For the Opposite Party/s : Mr. Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 323,379 and 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner admits his marriage with the informant and has filed Matrimonial Case No. 77 of 2015 for restitution of conjugal rights. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement

to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“ That the petitioner is still ready to keep the complainant/informant with dignity and love but she is not ready to live with the petitioner.”

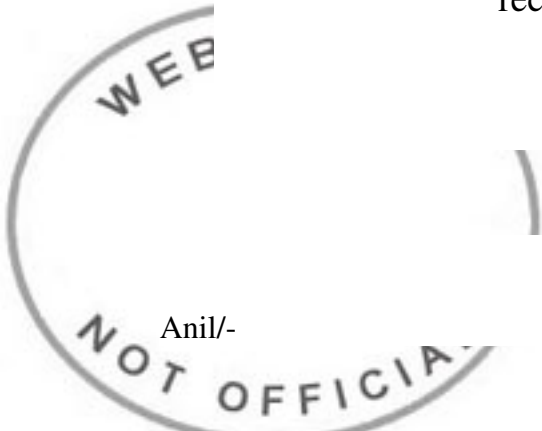
Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhojpur at Ara in connection with Mahila P.S. Case No. 218 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 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.



Anil/-

(Dinesh Kumar Singh, J)

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