

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41072 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Munna Yadav Son of Achelal Yadav, resident of Village- Jaisingh Pur
Tola- Chiraw, P.S.- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi Wife of Munna Yadav, daughter of Bigu Rai resident of
Village- JaiSingh Pur Tola Pulwa Ghat P.S.- Turkauliya, District- East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 20-09-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 149, 323, 498A, 406, 504, 506
of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and is ready to keep the informant as wife with full

dignity and honour. Moreover, the petitioner has filed Matrimonial Suit No. 373 of 2015/375 of 2015 for restitution of conjugal rights prior to lodging of the present case. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That it is stated and submitted that the petitioner is ready to keep the informant with full honour and dignity prior to the filing of the present case and as such filed Matrimonial Case No. 373 of 2015/ 375/2015 but the informant is not desire to live with the petitioner. As a matter of fact that the informant did not want to live at her Sasural with the petitioner and she use to regularly visit at her maike and also wanted to live at her maike. The reason best known to her as to why she (the informant) herself deserted from her Sasural. The petitioner attempted to take the informant back to his house but she did not agree to live with the petitioner. Hence the petitioner filed Matrimonial Case No. 373 of 2015/ 375/2015 which is still pending.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S. Case No. 120 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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