

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46565 of 2016

Arising Out of PS.Case No. -86 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Manjit Dubey @ Manjit Kumar Dubey, son of Shambhoo Dubey
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-10-2016

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 offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children.

In the impugned order it has been recorded that question was raised with regard to the *bona fide* of the second child to which learned counsel for the petitioner submits that in fact it is an error of record. The petitioner has never raised any

question with regard to *bona fide* of both the children, though statement to that effect has not been made in the petition. However, the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That the petitioner is ready to keep the informant as his wife with all respect and dignity and he will maintain her as per his capacity."

It is further submitted that the petitioner filed Matrimonial Suit No. 173/2016 for restitution of conjugal life.

Both sides agree to appear before the learned court below on 9th of November, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran, in connection with Jogapatti P.S. Case No.86/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

(Dinesh Kumar Singh, J)

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