

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54275 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -MANIGACHI District- DARBHANGA

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1. Hare Krishna Chaudhary Son of Late Gauri Kant Chaudhary, Resident of Village Khairadih, P.S. Katra District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Urmila Devi, Wife of Madan Rai, Resident of Village Makanda, P.S. manigachhi, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-04-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 379/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand. Though, initially it was submitted that the petitioner disputes the factum of marriage. Notices were issued to opposite party no. 2 vide order dated 30.11.2015 has been validly served.

The petitioner and daughter of the informant are present.



It is submitted by learned counsel for the petitioner that petitioner admits the marriage with the daughter of the informant after death of his first wife, but the victim misbehaved with the children of the first wife and always threatened the petitioner to commit suicide. However, the petitioner is still ready to keep the daughter of the informant as wife with full dignity and honour.

It is submitted by the learned counsel for the daughter of the informant that she accepts the offer of the petitioner and the accusation of threat of suicide is absolutely false.

Both the petitioner and informant appear before the learned court below on 25th of April, 2016 when the petitioner will take the daughter of 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 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 Sri A.Kumar, J.M., Darbhanga in connection with Manigachhi P.S. Case No. 60 of 2014, 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 opposite party no. 3 on her appearance the petitioner will take the opposite party no. 3 to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the daughter of the informant gets reluctant to reconcile the issue; and (iii) or if the daughter of the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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