

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58403 of 2015

Arising Out of PS.Case No. -240 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Chandarma Yadav @ Lalan Yadav Son of Bhupendra Yadav R/o Village
Lakshminia, P.S. Ghailardh, District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Adv

For the Opposite Party/s : Mr. Amitesh Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 04-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in Madhepura (Ghailardh) Police Station Case No. 240 of 2015 for the offences punishable under Sections 323, 341, 379, 494, 504, 498A/34 of the Indian Penal Code and Section 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 complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is ready to keep the informant (wife) with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailardh) P.S. Case No. 240 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour. 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.

The provisional bail of the petitioner will not be

confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

