

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40616 of 2016

Arising Out of PS.Case No. -150 Year- 2016 Thana -KOILWAR District- BHOJPUR

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1. Shiv Jee Yadav Son of Ram Nath Yadav, Resident of Village:- Koilwar
Near, T.B Hospital, P.S.:- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A, 379, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That, the petitioner is ready

to keep her wife in the family with full honour and
dignity.”

It appears from the impugned order that in spite of specific stand of the informant that she is ready to

resume the conjugal life, it was submitted on behalf of the petitioner that petitioner is not ready to keep the informant anymore.

Keeping in view of the present stand of the petitioner, this Court is inclined to grant one more chance to the petitioner. In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months 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, Bhojpur at Ara in connection with Koilwar P.S. Case No. 150 of 2016.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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