

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43264 of 2016

Arising Out of PS.Case No. -294 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

Alok Bharti

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
Mr. Kumar Shankaram, Advocate

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-09-2016 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,323,341,379, 504/34 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 a child. In fact, the informant herself deserted the petitioner as she was not allowing the parents of the petitioner to reside with the petitioner. However, the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect

has been made in para 21 of the petition which reads as follows:-

"That without any just cause and excuse the informant left the consortium of her husband. Despite of this attitude of informant the petitioner is still ready to keep informant and his son with him with all honour and dignity"

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 CJM, Vaishali at Hajipur in connection with Mahua P.S. Case No.294/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 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)