

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39860 of 2016

Arising Out of PS.Case No. -2075 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Mukesh Kumar Son of Ram Sakal Singh Resident of Village- Kerma,
P.S.- Kudhani, District- Muzaffarpur Petitioner

Versus

1. The State of Bihar.

2. Rinki Singh wife of Mukesh Kumar presently residing at the house of her
father late Hari- Kishan Singh, Village Husseypur, P.S.- Sakra, District-
Muzaffarpur Opposite Parties

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Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Adv.

For the Opposite Parties : Mr. Manoj Kumar – 1, APP 185

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 19-09-2016

The petitioner, being the husband of the complainant apprehending arrest in a case registered under Sections 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

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

The 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. Statement to the aforesaid effect has been made in paragraph no. 7 of the petition, which reads as follows :

“That the petitioner is still ready to keep the complainant and her son with full dignity and honour and this was the stand in the Court below also and the complainant is not ready to live with this petitioner for the reasons best known to her.....”

It is, further, submitted that the petitioner has not

performed second marriage.

Considering the present stand of the petitioner, above named, he 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 six weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 2075 of 2015, Trial No. 3959 of 2016 to the satisfaction of the Subdivisional Judicial Magistrate, West, Muzaffarpur.

Let the learned Court below issue notice to the complainant and on her appearance the petitioner will take the complainant 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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue, but, the provisional bail of the petitioner will not be confirmed in case the substantial proof comes that the petitioner has performed second marriage and in that eventuality the petitioner will surrender and prayer for regular bail.

(Dinesh Kumar Singh, J)

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