

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38856 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

Jitendra Sah son of Late Jagdish Sah

.... Petitioner/s

Versus

1. The State of Bihar

2. Simi Devi W/o Jitendra Sah, D/o Dhurup Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate

For the Opposite Party/s : Mr. Sri Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/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.

Lcounsel for the petitioner submits that the petitioner admits his marriage with the daughter of the informant and he is ready to keep the daughter of the informant as wife with full dignity and honour. A statement to that effect has been made in

para 11 of the petition which reads as follows:-

"That the petitioner is ready to keep informant's daughter as a wife with full dignity and honour."

It is further submitted that similar was the stand of the petitioner before the learned Court below and the petitioner has also filed Matrimonial Suit No.99/2015 for restitution of conjugal life.

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, Bettiah, West Champaran, in connection with Manjhaulia P.S. Case No.266/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the daughter of the informant for her appearance. On her appearance, the petitioner will take the daughter of 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 daughter of the informant fails to appear before the learned court below or (iii) if the daughter of the informant gets reluctant to reconcile the issue.

Ashwini/-

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(Dinesh Kumar Singh, J)