

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42584 of 2016

Arising Out of PS.Case No. -245 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Binod Sahani S/o Yashulal Sahani R/o Vill- Dumari P.S.- Sugauli, Dist-
East Champaran

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mani Devi W/o Vinod Sahani R/o Vill Bagahi, P.S.- Darpa Dist- E.
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2016 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 and 379 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is still ready to keep her with full dignity and honour as his wife.”

From the impugned order, it does not appear that any such stand was taken by the petitioner before the learned court below.

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, Motihari, East Champaran in connection with Sugauli P.S. Case No. 245 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 informant for her appearance when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant failed to appear or (iii) if the informant deliberately

refuses to reside with the petitioner.

Amrendra/-

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(Dinesh Kumar Singh, J)

