

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45385 of 2016

Arising Out of PS.Case No. -174 Year- 2016 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Bharat Singh son of Rup Narayan Singh Resident of Village Nimdihara,
P.S. Kargahar, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sita Devi Wife of Bharat Singh and Daughter of Sita Ram Singh Resident
of Mohalla - Khilanganj, P.S. - Sasaram (M), District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 19-10-2016 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 offence punishable under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 151 of 2014 on 4.7.2014 with a prayer for divorce but he is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 13 of the petition which reads as

follows:

“ That the petitioner is ready to keep the informant with full honour and dignity.”

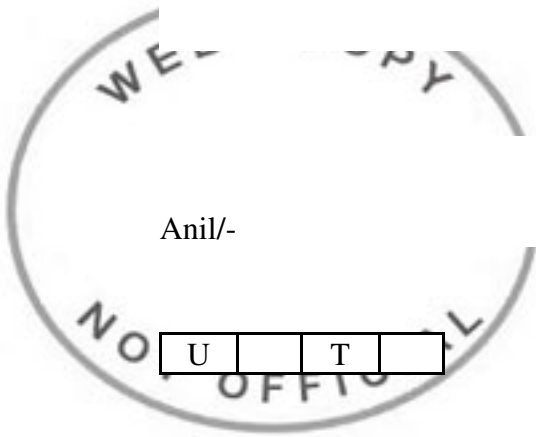
It is further submitted that the petitioner is ready to withdraw the matrimonial suit no. 151 of 2014 though statement to that effect has not been made in the petition.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sasaram in connection with Kargahar P.S. Case No. 174 of 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if

the informant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)