

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49 of 2016

Arising Out of PS.Case No. -30 Year- 2014 Thana -MAHILA P.S. District- NAWADA

=====

Jitendra Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-01-2016

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 323, 498A and 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

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

It is further submitted that the petitioner has not performed second marriage, statement to that effect has been made in para 10 of the petition, which reads as follows:-

“That after perusal of the entire allegation against the petitioner it clearly looks that petitioner has not solemnized second marriage.....”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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, Nawada in connection with Mahila P.S. Case No. 30 of 2014, 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. The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

