

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18024 of 2016

Arising Out of PS.Case No. -193 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

Rajesh Thakur @ Chhutan Thakur Son of Ram Surat Thakur, Resident of
Village - Gaura, P.S. - Bihiya, District - Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ras Bihari Thakur, Adv.

For the Opposite Party/s : Mr. A.Dayal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016 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 offences punishable under Section 498A and 406/34 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 and driving out the informant from matrimonial house.

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 9 of the petition which reads as follows:-

“That it is stated that petitioner still wants to keep

the informant...”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner and keeping in view of the fact that FIR was registered in the year 2014 when the present anticipatory bail application has been filed in the year 2016 and it was allowed to dismissed for default, let the above named petitioner be released on provisional anticipatory bail for three 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 SDJM, Ara in connection with Mahila P.S. Case No. 193 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 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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