

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38821 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -MANER District- PATNA

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1. Munna Kumar @ Munna Rai Son of Raj Ballabh Rai Resident of village
- Khaspur (Mathpar), P.S. Maner, District Patna Petitioner

Versus

1. The State of Bihar
2. Guddi Devi D/o Sri Dinanath Rai resident of village - Pachuchak,
Danapur, P.O. Danapur Caint, P.S. Danapur, District Patna
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha, Adv.
For the Opposite Parties : Mr. Awadhesh Kumar Singh, APP 215

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-09-2016 The petitioner, being the husband of the informant, apprehending his arrest in a case registered under Sections 498A/34, 323 and 341 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

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

The learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 15 of the petition, which reads as follows :

“That it is submitted here that the petitioner is the husband of the informant and always ready to keep his wife and maintain her with all social prestige and dignity, but, on the contrary the informant herself is not willing to live with the petitioner and has deserted him.”

Considering the present stand of the petitioner, above

named, 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 Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Maner P.S. Case No. 208 of 2015 to the satisfaction of Sri A.K. Thakur, Judicial Magistrate, 1st Class, Danapur, Patna, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

Let the learned Court below issue notice to the opposite party no. 2 and on her appearance the petitioner will take the opposite party no. 2 to keep her as wife with full dignity and honour.

The provisional anticipatory 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-opposite party no. 2 fails to appear before the learned Court below or (iii) if the informant-opposite party no. 2 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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