

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23725 of 2016

Arising Out of PS.Case No. -46 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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1. Bibhash Sah @ Bibhash Kumar Sah son of Umesh SAh]
2. Meena Devi @ Bina Devi W/O Umeash Sah Both resident of Mohalla
Mundichak near Baishno DARbar mandir P.s. Tilkamanjhi District
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the informant and petitioner no.2 being the mother of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 498A, 323 and 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner no.1 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 9 of the petition

which reads as follows:-

“That it is stated and submitted that the petitioner is always ready to keep the informant with him giving all due regard and honour.”

It is further submitted that similar was the stand of petitioner no.1 before the learned court below but the informant refused to accept the offer of the petitioner no.1.

Considering the present stand of the petitioner no.1, this Court is inclined to give one more chance to the parties to get the issue reconcile. Let the learned court below make afresh effort to get the issue reconciled.

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 SDJM, Bhagalpur in connection with Mahila P.S. Case No. 46 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. On her appearance, the petitioner no.1 will

take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 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.

So far as petitioner no.2 is concerned, considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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, Bhagalpur in connection with Mahila P.S. Case No. 46 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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