

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23702 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Avinash Kumar S/o Kitan Paswan Resident of village- Sahnaura, PS Pandarak District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Moni Devi S/o Avinash Kumar, D/o Tarun Pawan Resident of Village - Sahnaura, PS Pandarak District Patna at present residing at Village Tufanganj, PS Soh Sarai, PS Rahui, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar
For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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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 being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323 and 498A/34 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.

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 7 of the petition

which reads as follows:-

“That the petitioner was and is ready to keep his wife with full dignity and honour.”

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 JM, 1st Class, Biharsharif in connection with Rahui (Bhagan Bigha) P.S. Case No. 41 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 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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