

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25323 of 2016**

Arising Out of PS.Case No. -235 Year- 2004 Thana -CHANDI District- NALANDA  
(BIHARSHARIFF)

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Dhananjay Kumar Nirala

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3 20-10-2016

Heard learned counsel 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 498A, 379, 323 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Prosecution case is of torture for non-fulfillment of further dowry demand of Rs.25,000/- and T.V.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph 6 of the petition, which reads as under :-

*"That the petitioner is husband of the complainant/informant Sushila Devi and he is ready to keep his*

*wife with full dignity and respect but she does not want to live with the petitioner."*

It is further submitted that similar was the stand of the petitioner before the learned Court below. However, the informant has already performed second marriage. The petitioner has also filed Matrimonial Suit No. 10/2006 for restitution of conjugal life.

Considering the fact that the FIR was registered in 2004 and the anticipatory bail application has been preferred in 2016, this Court is not inclined to interfere into the matter, but in view of the present stand of the petitioner, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Chandi P.S. Case No.235/2004, pending before the learned Judicial Magistrate, 1st Class, Hilsa (Nalanda).

With the above observation, this application is, accordingly, disposed off.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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