

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2172 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -SIDHWARA District- DARBHANGA

1. Rajesh Yadav Son of Shatrughan Yadav, Resident of Village - Rajua Tola, P.S. - Gaighat, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-05-2016 The matter has been listed under the heading ‘For Orders (on office notes)’ awaiting service of notice issued to O.P. No. 2.

It is submitted by learned counsel for the petitioner that the issue has been reconciled and the petitioner is residing with O.P. No. 2 since last February, 2016. Both the petitioner and the O.P. No. 2 were supposed to appear before this court today but it is submitted that due to traffic jam, they could not reach to this court, hence the matter is being taken up on merits.

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the sister of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code

and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands. It is also alleged that the petitioner dragged the sister of the informant from bus and made assault to her.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the sister of the informant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition which reads as follows:

“That although the relation in between the informant accused petitioner has been severed, as admitted in the written information but even then the petitioner is ready to keep and maintain the informant with dignity and according to his status, if the informant so desire.” (It appears that due to inadvertence in place of daughter of the informant, informant has been typed).

In view of the above submission, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Darbhanga in connection with Singhwara P.S. Case No. 53 of 2015 subject

to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will appear along with his wife before the learned court below on 7.6.2016 when the learned court below will get the fact verified that the daughter of the informant has resumed the conjugal life and on such verification the provisional bail of the petitioner will be confirmed. If the wife of the petitioner does not confirm that she is residing with the petitioner then the learned court below will make an effort to reconcile the issue.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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