

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2918 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Raju Prasad Son of Rameswar Prasad Resident of Village-Gokhula, P.s
Banjariya, District East Chamapran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Devi daughter of Bijali Prasad resident of Village-Chakradehi, P.s
Pipra, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016 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 498A, 341, 323, 504, 494 and 406/34 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 and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and has not performed second marriage, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the allegation of second marriage is totally false and concocted, he has not solemnized second marriage.”

It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That be that as it may the petitioner has no grievance against his wife and he however undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

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 CJM, Motihari, East Champaran in connection with Mahila P.S. Case No. 90 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 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.

The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage and in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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