

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3988 of 2016

Arising Out of PS.Case No. -189 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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1. Pankaj Kumar Barnwal Son of Mundrika Prasad Barnwal,
2. Mundrika Prasad Barnwal @ Mundrika Kumar, Son of Late Nageshwar Prasad,
3. Bindu Devi @ Binda Devi, wife of Mundrika Prasad Barnwal @ Mundrika Prasad,
4. Rajesh Kumar @ Rajesh Barnwal,
5. Subham Kumar @ Subham Kumar Barnwal, Both sons of Mundrika Prasad Barnwal @ Mundrika Prasad, All resident of village Pasar, P.S. Raghunathpur, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Devi, wife of Pankaj Kumar Barnwal, Resident of Village - Pasar, P.S. - Raghunathpur, District - Siwan presently Tepha, P.O. Tepha Bazar, P.S. - Jiradai, District - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. A.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1, Pankaj Kumar Barnwal being the husband of the informant and petitioner nos. 2 to 5 being the parents and brothers of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 341, 323 and 498A 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 petitioners 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 16 of the petition which reads as follows:-

“That the petitioner no.1 is ready to keep the informant with dignity and honour”

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, Siwan in connection with Siwan Sadar Mahila P.S. Case No. 189 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.

Considering the present stand of the petitioner no.1, let the above named petitioner nos. 2 to 5 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, Siwan in connection with Siwan Sadar Mahila P.S. Case No. 189 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Amrendra/-

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(Dinesh Kumar Singh, J)