

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18356 of 2016

Arising Out of PS.Case No. -287 Year- 2012 Thana -BAHADURPUR District- DARBHANGA

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Randhir Soni, son of Sri Narayan Soni, resident of Village and P.S.-
Sheohar, District-Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 406, 386 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant. The informant deserted the petitioner of her own. The petitioner has filed Matrimonial Suit No. 79 of 2011 on 07.07.2011 for the restitution of conjugal life which was decreed ex parte on 12.02.2013. The present F.I.R was registered on 03.08.2012 much after filing of the restitution suit. The petitioner is still ready to keep the informant with full dignity and honour. A statement to that effect has been made

in para 12 of the petition which reads as follows:-

“That the petitioner is ready to keep her wife (informant) with dignity and honour.”

Considering the present stand of the petitioner and filing of the matrimonial suit at earlier point of time, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 287 of 2012.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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