

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20236 of 2016

Arising Out of PS.Case No. -49 Year- 2014 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Shankar Malakar son of Mahendra Malakar resident of village Umta
Dharnai, P.S. Makhdumpur, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/o Shankar Malakar and Dauhgter of Ram Kishore
Malakar Resident of village- Lodipur P.S. Chhabilapur, District
Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-05-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 379 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 and petitioner has filed Matrimonial Suit No. 65 of 2015 for the restitution of the conjugal life. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

“That the petitioner is

the husband of the informant and always ready to keep her with full honour and dignity.”

Considering the present stand of the petitioner, 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, Biharsharif, Nalanda in connection with Mahila P.S. Case No. 49 of 2014.

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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