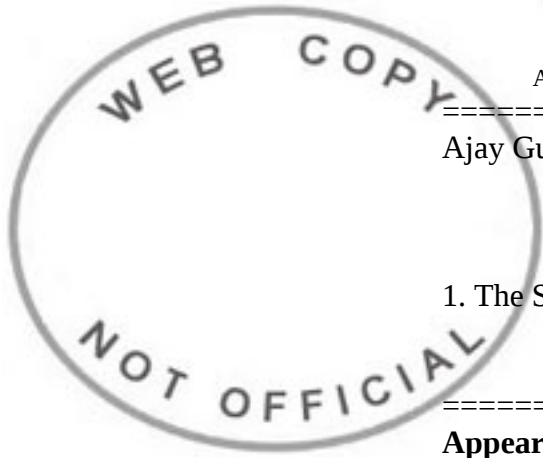




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25273 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -SIRDALA District- NAWADA

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Ajay Gupta Son of Devilal Sao

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2016 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 323, 379, 498A, 506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant but the petitioner has filed Matrimonial Suit No.2556/2014 before the learned District Judge, Alipore, in the



district of West Bengal, with a prayer for divorce and thereafter the present case was lodged on 10.02.2015. The informant at earlier point of time filed Rijent Park P.S. Case No.138/2014, levelling accusation under sections 498A, 406, 120B of the Indian Penal Code and 4 of the Dowry Prohibition Act wherein the petitioner has been granted bail.

Considering filing of matrimonial suit at earlier point of time and the petitioner being granted bail in earlier case lodged with similar accusation, 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 Judicial Magistrate, 1st Class, Nawada, in connection with Sirdala P.S. Case No.24/2015, 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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