

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23873 of 2016

Arising Out of PS.Case No. -292 Year- 2012 Thana -KATEYA District- GOPALGANJ

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1. ASHUTOSH DUBEY @ MANTU DUBEY @ MANTO DUBEY Son
of Sri Briksha Dubey, Resident of village -Dubey Belwa, P.S. -Kateya,
District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Arvind Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 406, 494 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 and performing second marriage.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That so far the allegation levelled against the petitioner that he has performed second marriage, is completely false and misleading

and it is stated that the petitioner has not performed second marriage.”

It is further submitted that petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is husband of the informant and he is ready and willing to keep her with all respect and dignity”

It appears from the impugned order that the matter was referred to the mediation but both the petitioner and the informant failed to appear before the mediation. The case was registered in 2012 when the present application has been filed in 2016. The above fact reflects the casual manner in which the petitioner is taking the present case.

Considering the present stand of the petitioner, as last indulgence, 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 three months 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, Gopalganj in connection with Kateya P.S. Case No. 292 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 three months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

Shageer/-

(Dinesh Kumar Singh, J)

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