

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24658 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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Sachin Kumar Singh Son of Late Jagdish Singh Resident of Village-
Narainpur, P.S.- Hasan Bazar, Dist- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi wife of Sachin Kumar, Daughter of Ram Bilash Singh
Resident of Village- Sahpur Akhara, P.S.- Town Dist- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate, Advocate
For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-09-2016 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 341, 323, 498A 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"That it is stated and submitted that the petitioner is a husband of the complainant forgetting all bad day is ready to keep her wife with full respect and dignity."

Notices were issued to opposite party no.2, Vide order dated 13.06.2016, but in spite of notice being received by the mother of opposite party no.2 and on filing of an affidavit to the effect of jointness of opposite party no.2 with her mother, vide order dated 26.08.2016, the notice issued to opposite party no.2 was treated to be deemed valid service, even today, none is appearing on behalf of opposite party no.2.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 CJM, Aurangabad, in connection with Aurangabad Town P.S. Case No.34/2016 , 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)

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