

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35260 of 2015

Arising Out of PS.Case No. -594 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

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1. Rakesh Raut @ Rakesh Kumar Raut @ Rakesh Kumar son of Dhrub Narain Raut @ Dhrub Raut Resident of village - Chak Lokman, P.S. - Dalsingsarai, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Devi wife of Rakesh Raut, Daughter of Lakshmi Panjiyar at present residing at mohalla - Rahamganj, P.S. Laheriasarai, district - Darbhanga, Mob. 9155920314.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 15-01-2016 Heard learned counsels for the petitioner, informant and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 323,307,313,498A and 406/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and terminating pregnancy.

The petitioner and the informant are present in court.

The petitioner admits his marriage with the informant. Though the petitioner has filed Matrimonial suit for

divorce but now it is submitted that the petitioner is ready to withdraw the same and to keep the informant as wife with full dignity and honour. More over, the petitioner at earlier point of time had filed a matrimonial suit for restitution of conjugal rights.

The informant side has also lodged three cases with similar accusation. Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and ready to withdraw the cases lodged against the petitioner or his family members.

Both petitioner and the informant agree to appear before the learned court below on 2.2.2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Darbhanga in connection with Laheriasarai P.S. Case No. 594 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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