

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42798 of 2015

Arising Out of PS.Case No. -129 Year- 2015 Thana -TARAIYA District- SARAN

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1. Md. Chand S/o Md. Kasim R/o Village - Mahuli, P.S. - Taraiya, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-02-2016 The matter has been listed under the heading ‘For Orders (On Office Notes) due to non appearance of O.P. No. 2 but since the petitioner along with the learned counsel for the informant are present, hence the matter is taken up on merits.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 341,323,379,376 and 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The prosecution case is that the informant was ravished by the petitioner and subsequently when the petitioner was being taken to the police the petitioner performed marriage with the informant but only after a month the accused persons including the petitioner started inflicting torture due to non

fulfillment of dowry demands.

The petitioner admits his marriage with the complainant. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 10 of the petition which reads as follows:

“That the informant is the legally wedded wife of the petitioner and he is ready to live with her.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner though she is apprehensive due to the past conduct of the petitioner. Both petitioner and the informant agree to appear before the learned court below on 29.2.2016 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 four months in the event of arrest or surrender before the learned Court below within a period of six 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 JM Ist Class, Saran at Chapra in connection with Taraiya P.S. Case No. 129 of 2015 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)

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