

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34779 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -CHANDI District- BHOJPUR

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Krishna Thakur @ Krishna Kumar Thakur Son of Late Vishnu Dayal Thakur Resident of Village- Bahiyara, P.S.- Chandi, District- Bhojpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

2. Puja Devi wife of Krishna Thakur Resident of Village- Bahiyara, P.S.- Chandi, District- Bhojpur. at present Residing at Village- Nayatola, P.S.- Jagidishpur, District- Bhojpur (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Sri Dilip Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016

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, 324, 354, 379, 504 and 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and making assault for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant. There is no medical report to suggest that any assault was made or injury was caused to the informant. Though, the petitioner refused to

keep the informant due to her mental abrasion before the learned court below which also gets reflects from the impugned order but now the petitioner is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant as wife with full honour and dignity”

It is further submitted that though, the petitioner has filed Matrimonial Suit No. 210 of 2016 with a prayer for divorce but he is ready to withdraw the same, though, statement to that effect has not been made in the petition.

It is submitted by the learned counsel for the informant that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 19th of September, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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,

Bhojpur at Ara in connection with Chandi P.S. Case No. 53 of 2016, 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 (ii) if the informant failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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