

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37646 of 2016

Arising Out of PS.Case No. -380 Year- 2015 Thana -FATUHA District- PATNA

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1. KAMESHWAR PASWAN @ KOULESHWAR PASWAN,
2. Mahendra Paswan,
3. Bindi Devi alias Bindiya Devi

.... Petitioner/s

Versus

1. State of Bihar,
2. Niram Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao
For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-08-2016 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the informant and petitioner nos. 2 and 3 being parents of petitioner no. 1 are apprehending arrest in a case registered for the offence punishable under Sections 341,323 and 498A 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 after about three years of marriage and birth of a child. It is also alleged that the accused persons assaulted the informant and driven her out from the matrimonial house.

On instructions, it is submitted that the petitioner no. 1 admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the

aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That the petitioner no. 1 is ready to keep his wife the informant with full dignity and honour. ”

Considering the present stand of the petitioner no. 1, let the above named petitioner no. 1 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 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 JM Ist Class, Patnacity, Patna in connection with Fatuha P.S. Case No. 380 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner no. 1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 1 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.

Considering the aforesaid stand of petitioner no. 1

and the accusation against petitioner nos. 2 and 3 being omnibus and general, let the above named petitioner nos. 2 and 3 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Patnacity, Patna in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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