

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31671 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Jitendra Ram Son of Sundhar Ram Resident of Village- Manihari, P.S. Bhabua, District Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar
2. Subhawati Devi Wife of Jitendra Ram, D/o Sukharam Ram Resident of Village- rahua Kala, PS Durgawati District Kaimur at Bhabua

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-07-2016 Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under section 341, 323, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and she gave birth to a child. The petitioner is ready to keep the informant with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition. Similar was the stand of the petitioner before the learned court below but the offer of the

petitioner was not accepted by the informant as she was apprehending danger to her life.

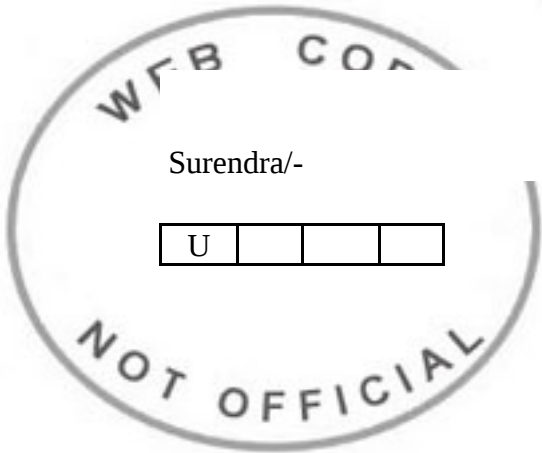
Considering the fact that the marriage was performed three years back and the present stand of the petitioner before this Court, let the learned court below make an effort to get the issue resolved through mediation.

In the circumstances, let the abovenamed petitioner be released on provisional anticipatory bail for six months, in the event of his 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 the Chief Judicial Magistrate, Kaimur at Bhabua in Mahila (Bhabua) P.S. Case No. 7/2015, subject to the conditions as laid down under section 438(2) of the 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 the 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)