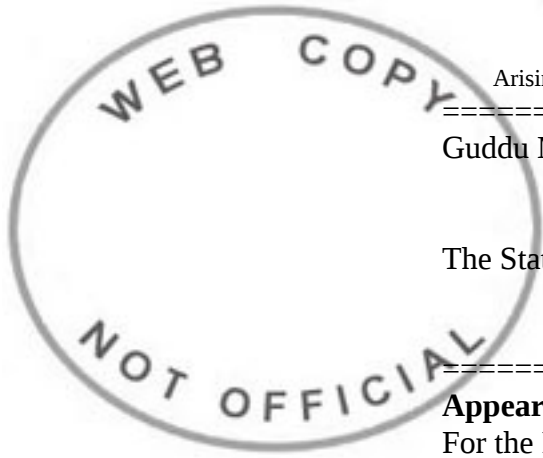




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50438 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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Guddu Mandal, Son of Jagdish Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-03-2016

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 341, 323, 498A, 494, 504, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant, since there was no issue for ten years, after the marriage hence, with consent of the informant the petitioner performed second marriage. As per claim of the informant, father of the petitioner

Jagdish Mandal has already executed a sale deed with regard to one katha of land in favour of the informant. A statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows :-

"That by way of this supplementary affidavit this fact brought on record that the father of petitioner namely Jagdish Mandal executed a registered sale deed vide deed no.6958/ dt. 4.9.2015 measuring one katha in favour of the wife of the petitioner on her demand."

The petitioner is further ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

"That the petitioner is still ready to keep the victim/informant as a wife with fully dignity and honour."

On instruction, learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and further ready to reside at her matrimonial house.

Though, the sale deed has been executed but the mutation has not been done in favour of the informant to which the counsel for the petitioner submits that the petitioner will file

appropriate petition before the appropriate authority to get the mutation done within a period of two weeks and after getting the mutation done, rent receipt will be handed over to the informant.

Both sides agree to appear before the learned court below on 18th April, 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 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Madhepura in connection with Madhepura Mahila P.S. Case No.25 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 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.

The provisional bail of the petitioner will also be

confirmed by the learned court below if the informant does not claim any further torture by the petitioner and the rent receipt after getting mutation of land done being handed over to the informant.

(Dinesh Kumar Singh, J)

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