

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33171 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -PATRAKARNAGAR District- PATNA

Kundan Kumar, aged about 30 years, S/o Sri Dilip Kumar,
..... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Anuradha Kumari, aged about 28 years, W/o Sri Kundan Kumar,.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate
For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-08-2016 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 498A, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. Though, the petitioner has filed Informatory Petition No.3064/2014 before learned CJM, Patna, on 27.09.2014 and Matrimonial Suit No. 147/2016, for dissolution of marriage, on 08.02.2016 but now the petitioner is ready to keep the informant as wife with full dignity and honour. In fact, the informant is residing in the

house of the petitioner. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That however the petitioner is the husband of the informant and he is ready to keep the petitioner with dignity and honour and the informant Anuradha Kumari is living in the house of the petitioner.

It is further submitted that the petitioner is ready to withdraw the matrimonial suit, though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, 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 Judicial Magistrate, 1st Class, Patna, in connection with Patrakar Nagar P.S. Case No.83/2016, subject to the conditions as laid down under Section 438(2) 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 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)

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