

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26506 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Pritesh Singh @ Paramhans Singh, aged about-32 years, S/o- Sudama Singh, Resident of Mohalla- Mulabagh [East of Nala], P.S- Nawada, District- Bhojpur, A/P- Mohalla- Gosain Bagan, A.N. Road Risra, P.S- Risra, District- Hugli, [Kolkata] West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, adv.

For the Opposite Party/s : Mr. Sri Ramchandra Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offence under section 323, 498A, 494, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demand and suppressing the first marriage.

It is submitted by learned counsel for the petitioner that the petitioner was earlier married with one Kajal Yadav but the said marriage was dissolved vide order dated 14.09.2007 passed by the learned Principal Judge, Family Court, Ranchi in



Matrimonial Suit No. 135 of 2006, which has been brought on record Annexure-2 and thereafter, the petitioner performed marriage with the informant. It is further submitted that since the informant deserted the petitioner the petitioner filed Matrimonial Suit No. 239 of 2016 with a prayer for divorce but he is ready to withdraw the same and is also ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 2 to 4 of the supplementary affidavit which reads as follows:-

- “2. That petitioner had filed Matrimonial Suit No. 239 of 2016 in the court of Sri Raja Chatterjee, Additional District Judge-1st Court Seampore, Hooghly (W.B) on 16.04.2016 a decree for divorce against his wife Asha Devi (informant) of this case.”
3. That it is clear from FIR that informant left her matrimonial house on 10.03.2016 without information to her husband petitioner thereafter petitioner always tried to keep his wife informant but she vehemently refused to live with petitioner.
4. That petitioner is still ready to keep his wife informant with all dignity and respect if she is ready to live with him and petitioner undertakes to withdraw his divorce case mentioned above.”

It is submitted by the learned counsel for the informant that the informant is ready to resume the conjugal right but she is apprehensive due to past conduct of the petitioner.

Both sides agree to appear before the learned court below on 16th of August, 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 SDJM, Arrah in connection with Mahila P.S. Case No. 229 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 complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

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