

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39300 of 2016

Arising Out of PS.Case No. -200 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Ramesh Sah son of late Bunilal Sah.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr. Sri Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2016

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 and 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That be that as it may the petitioner has no grievance against his wife and he however undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

It is further submitted that the petitioner filed Matrimonial Case No. 200 of 2014 for restitution of conjugal life and similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Mr. Ramesh Chandra, learned counsel for the State submits that the FIR was lodged in the year 2014 whereas the present application with a prayer for anticipatory bail has been filed in the year 2016.

Considering the present stand of the petitioner, 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 CJM, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 200 of 2014, 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 when the petitioner will take the informant to her matrimonial house 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 failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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