

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52209 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -MAHILA PS District- JAMUI

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1. Rambalak Kumar Thakur @ Balvir Kumar Thakur, son of Late Jodhan Thakur, resident of Village- Dharampur, P.S. Khaira, Distt- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sadha Kumari, Wife of Rambalak Kumar Thakur, Daughter of Kishun Thakur, At present resident of Village- Katauna, P.S Barhat, Distt- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Advocate

For the Opposite Party/s : Mr. Umanath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 380, 498A, 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction it is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the informant and ready to keep the informant as wife with full dignity and honour, but the informant has performed second marriage with Yogendra Pandit.

Learned counsel for the informant denied the factum of second marriage and ready to resume the conjugal life. Hence, reconciliation is not feasible at this juncture.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 46 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct enquiry with regard to second marriage of the informant. If the learned court below come to the conclusion that the informant has performed second marriage, then the provisional bail of the petitioner will be confirmed, but if the learned court below come to the conclusion otherwise, then the petitioner will surrender and pray for regular.

(Dinesh Kumar Singh, J)

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