

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43191 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -MAHILA P.S. District- NAWADA

=====

Nitish Kumar, son of Bal Mukund Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Rajballabh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-09-2016

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, 379, 504, 494/34 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 and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as follows:-

*"That however petitioner is yet ready
to keep and maintain O.P. No.2 with all dignity
and honour in the society."*



It is further submitted that the petitioner has filed Matrimonial Suit No.285/2015 with a prayer for divorce, at earlier point of time, but the petitioner is ready to withdraw the same, though statement to that effect has not been made in the petition. It is further submitted that the petitioner has not performed second marriage, 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 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 ACJM-III, Nawada, in connection with Mahila P.S. Case No.36/2016, 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)

Ashwini/-

U		T	
---	--	---	--