

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42321 of 2016

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1. Bhagirath Ojha S/o Ram Grihi Ojha resident of Village- Babhangawan,
Police Station- Krishnagarh (Barahara), District- Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rina Devi W/o Bhagirath Ojha resident of Village- Babhan Gawan,
Police Station- Krishnagarh (Barahara), District- Bhojpur Ara, at present
residing at Village- Piyaniya, Police Station- Udwant Nagar, District-
Bhojpur, Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 27-09-2016 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 498A/34 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.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant and he is ready to keep the informant as wife
with full dignity and honour. Statement to that effect has

been made in para- 7 of the petition which reads as follows:-

“That the petitioner is husband of the informant/complainant and still he is ready to keep his wife with full honour and dignity.”

It is further submitted that petitioner has filed Matrimonial Suit No. 394 of 2015 with a prayer for restitution of conjugal rights.

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 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Bhojpur Mahila P.S. Case No. 81 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the

matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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