

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43075 of 2016

Arising Out of PS.Case No. -223 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Vijendra Prasad Son of Devdatt Prasad, resident of Village- Agiaon Bazar, P.S. Agiaon Bazar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi D/o Ram Narayan Sah resident of Village- Modaffarpur, P.S. Sahar, Distt- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2016 Heard learned counsels for the petitioner, informant and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 498A and 494/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

It is submitted that the petitioner admits his marriage with the informant and has not performed second marriage. Statement to that effect is made in paragraph 11 of the petition which reads as follows:

“That allegations of second marriage is biased and malicious. No second marriage has been ever performed by petitioner.”

It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 8 of the petition which reads as follows:

“That petitioner is ready to keep his wife in her matrimonial home with full respect and dignity.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner. Both petitioner and the informant agree to appear before the learned court below on 20.10.2016 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Bhojpur at Ara in connection with Mahila P.S. Case No. 223 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue but the provisional bail of the petitioner will not be confirmed by the learned court below if the substantive proof comes that the petitioner has performed second marriage and in that eventuality, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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