

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44463 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Pinku Paswan Son of Late Rambriksh Paswan, resident of Village-
Gongchok, P.S. Sare, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rukmini Devi, Wife of Pinku Paswan resident of Village- Gongchok,
P.S. Sare, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 06-10-2016

Heard learned counsels 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, 323, 504/34 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 and making attempt to throttle
the informant.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

informant and birth of two children. The petitioner is ready to keep the informant and the children with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That being husband petitioner is still ready to keep his wife/informant along with his two minor sons with full dignity and maintain her as per his capacity subject to proper co-operation of his wife.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

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 Sub-divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Mahila P.S. Case No. 50 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 and the children to keep them with full dignity and honour.

The provisional bail of the petitioner will be confirmed 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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