

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39116 of 2016

Arising Out of PS.Case No. -236 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Amit Mishra S/o Gauri Shankar Mishra Resident of Village- Paharpur, PS Agian(Garahani) District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi W/o Amit mishra, D/o Gaurishankar Tiwari@Sadhu Tiwari at Present residing at Village- Sikariya, PS Agian, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2016 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 and 406/34 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.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is the husband of the informant

and always ready to keep her with all respect and dignity....”

It is further submitted that the petitioner has not performed second marriage, statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner has neither solemnized another marriage nor kept another lady.”

Learned counsel for the informant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 20th of September, 2016 when the petitioner will take 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 one year 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 SDJM, Ara, Bhojpur in connection with Bhojpur Mahila P.S. Case No. 236 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 (ii) if the informant failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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