

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41481 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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Rajesh Yadav S/o Sri Shankar Yadav

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sanju Kumari W/o Rajesh Yadav, D/o Late Kamaldeo Yadav

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016

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, 323, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two female children, though the petitioner has preferred Matrimonial Suit No.190/2016, with a prayer for divorce, but he is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 2 of the supplementary affidavit, which reads as follows:-

"That in spite of the fact that the petitioner has filed Divorce Case No.190/2016 he is ready to keep and maintain his wife, Sanju Kumari, O.P. No.2 in a dignified manner."

It is further submitted that the petitioner is ready to withdraw the matrimonial suit. A statement to that effect has been made in paragraph no.3 of the supplementary affidavit, which reads as under :-

"That if the O.P. No.2 agrees to live with the petitioner and maintain conjugal right with him the petitioner will withdraw the Divorce Case."

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

Both sides agree to appear before the learned court below on 20th of October, 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 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 CJM, Siwan, in connection with Pachrukhi (G.B. Nagar) P.S.

Case No.229/2015, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

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)

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