

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11256 of 2016

Arising Out of PS.Case No. -448 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Lalan Prasad son of Muneshwar Mahto r/o village - Bhojpur, P.S. -
Harnaut, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nibha Kumari wife of Lalan Prasad, d/o Ganesh Mahto r/o village -
Mohan Khangha, P.S. Harnaut (Telmar O.P.), District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-03-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 379, 149 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is ready

to keep his wife with full dignity.”

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner but submits that in spite of the fact that petitioner

had full knowledge about the surgery of the informant, he failed to provide medical facility to the informant or to pay medical bill.

Both sides agree to appear before learned Court below on 11th of April, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Nalanda at Bihar Sharif in connection with Harnaut (Telmar O.P.) P.S. Case No. 448 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

Shageer/-

(Dinesh Kumar Singh, J)

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