

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16830 of 2016

Arising Out of PS.Case No. -290 Year- 2015 Thana -PUPRI District- SITAMARHI

Dhiraj Kumar, S/o Laxmi Sah, resident of village- Basudeva, P.S.-singhiyahi, District- Samastipur, at present house of Satyanarayan Bandari, Mohalla- Bhagwandas, J.P.-Chauk, Darbhanga

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-04-2016

Heard learned counsel 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, 406, 323, 147, 379 of the Indian Penal Code and 3 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

On instruction it is submitted by learned counsel for the petitioner that petitioner admits the marriage with the informant. The petitioner has filed Matrimonial Case No. 150 of 2014 for restitution of conjugal rights, but reconciliation failed. Since the informant appears and submitted that she is not ready to



resume the conjugal rights, thereafter Matrimonial Case No. 107 of 2015 has been filed for divorce, but petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That the petitioner is still ready to keep his wife (informant) with full honour, dignity and confirmed.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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, Pupari at Sitamarhi in connection with Pupari P.S. Case No. 290 of 2015, 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 to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year 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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