

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48824 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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Anand Swarnkar Son of Yogendra Swarnkar @ Joginder Swarnkar,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi, Daughter of Satya Narayan Swarnkar, Wife of Anand Swarnkar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-07-2016 Petitioner and the informant are present.

Heard learned counsels for the petitioner, informant 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, 341, 323, 494, 354, 504 and 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage. It is alleged against the father of the petitioner that he attempted to outrage the modesty of the informant.

Learned counsel for the petitioner submits that the

petitioner admits his marriage with the informant. Though, the informant was earlier married to someone else, with whom there is one female child and after marriage with the petitioner there is one male child. The petitioner has not performed second marriage. A statement to that effect has been made in paragraph 15 of the petition, which reads as under :-

"That the petitioner states that he has not solemnized another marriage lady till today and as such the allegation as made in the FIR in this regard is false and concocted."

It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. Though, statement to that effect has not been made in the petition.

Learned counsel for the informant submits that the informant was married to some other person earlier but that marriage has been dissolved and now the informant is ready to accept the offer of the petitioner. It is further submitted that the informant will file appropriate application in the matrimonial proceeding in view of the present stand.

Both sides agreed to appear before the learned court below on 11th August, 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 SDJM, Madhepura, in connection with Madhepura Mahila P.S. Case No.18/2015, 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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