

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16604 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Alok Kumar Jha S/o Ramesh Kumar Jha			Petitioner/s
Versus			
State of Bihar & Anr			Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Arvind Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a case in registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and under section 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It submitted by learned counsel for the petitioner that petitioner admits marriage with the informant. On instructions, it is submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“10. That the petitioner has all along been ready to keep his wife with full dignity and it was the informant who has never visited her Sasural till date.”

It is further submitted that petitioner has filed Matrimonial case No. 56 of 2016 for restitution of conjugal rights.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar Motihari in connection with Sugauli P.S. Case No. 47 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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