

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8528 of 2016

Arising Out of PS.Case No. -296 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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Lakhan Mahto S/o Late Heera Mahto R/o Village- Chhatauni Bazar
Pokhara, P.S.- Chhatauni, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/o Lakhan, D/o Kailash Mahto R/o Village Belwa Rai,
P.S. Turkauliya, Dist- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2016 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 Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner filed Matrimonial Suit No. 172 of 2015 for restitution of conjugal right and is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in

para 8 of the petition which reads as follows:-

“Thatthe petitioner is ready to keep her with full honour and dignity.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 296 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 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)

Amrendra/-

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