

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9718 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -MAHILA P.S District- SUPAUL

=====

Vivek Kumar @ Shambhu Kumar @ Shambhu, son of Shiv Prasad Sah,
resident of Village-Ward No. 25, Station Road, P.S.-Supaul, District-Supaul
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore
For the Opposite Party/s : Mr. U.L.Verma (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 354A, 504, 506 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 6 of the petition which reads as follows:-

“That the petitioner is always
ready to keep his wife with full dignity”

It is further submitted that petitioner has not performed second marriage. Though statement to that effect

has not been made in the petition.

Considering the present stand of the petitioner, 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, IVth Supaul in connection with Mahila P.S. Case No. 81 of 2015.

The bail bonds of the petitioner will be accepted on filing affidavit to the effect that petitioner has not performed second marriage.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--