

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8468 of 2016

Arising Out of PS.Case No. -276 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Mohan Yadav Son of Maheshwari Yadav
 2. Premanand Yadav @ Parmanand Yadav Son of Maheshwari Yadav
 3. Ranbir Yadav @ Ranbir Kumar Yadav Son of Ram Bahadur Yadav
 4. Mithu Yadav @ Mithilesh Yadav Son of Ram Bahadur Yadav All
resident of village - Matkhora, P.S. Bakhtiarpur, District - Saharsa

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-02-2016 Heard learned counsel for the petitioners and the

State.

The petitioner nos. 1 and 2 being the cousin brothers, petitioner no. 3 is the husband of the informant's daughter and petitioner no.4 is own brother of petitioner no. 3 are apprehending their arrest in a case registered for the offences punishable under Sections 328, 498A 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.

It is submitted by learned counsel for the petitioners that First Information Report was registered



under Section 328 of the Indian Penal Code and charge-sheet has been submitted under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act. The petitioner no. 3 admits the marriage with the daughter of the informant and he is ready to keep the daughter of the informant as wife with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioner no. 3 is always ready to keep his wife (informant’s daughter) with full dignity and honour”.

Considering the present stand of the petitioner no. 3, let the above named petitioner no. 3 be released on provisional anticipatory bail for six months 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 Sri S.K. Singh, J.M., Ist Class, Saharsa in connection with Bakhtiarpur (Kanariya O.P.) P.S. Case No. 276 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’s daughter on her appearance the petitioner no. 3 will take the informant’s daughter to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 3 will be confirmed within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant's daughter gets reluctant to reconcile the issue; and (iii) or if the informant's daughter fails to appear before the learned court.

Considering the stand of petitioner no. 3, let the above named petitioner nos. 1, 2 and 4 be released on bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sri S.K. Singh, J.M., Ist Class, Saharsa in connection with Bakhtiarpur (Kanariya O.P.) P.S. Case No. 276 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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