

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12650 of 2016**

Arising Out of PS.Case No. -44 Year- 2015 Thana -MAHILA PS District- GAYA

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Nagendra Das @ Baliram Das, son of Bhagu Das, resident of Village-Khajuri, P.S.-Konch, District-Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, daughter of Sri Prabhu Das, wife of Sri Nagendra Das @ Baliram Das, at present residing at Mohallah-Tilha Rajendra Ashram, Chamar Toli, P.S.-Civil Line, District-Gaya

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Sharma

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      16-03-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 504, 34 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 that petitioner admits his marriage with the informant and has filed Matrimonial Suit No. 296 of 2015 for the restitution of the conjugal rights. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That      the      informant

husband still loves his wife. He is ready to keep her  
with full dignity and honour.”

It is further submitted that petitioner has not  
performed second marriage.

Considering the aforesaid 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 one year 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, 1<sup>st</sup>  
Gaya in connection with Gaya Mahila P.S. Case No. 44 of 2015,  
G.R. No. 6076 of 2015.

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 one year (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/-

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