

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14910 of 2016

Arising Out of P.S.Case. -6 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

Manoj Sahni, son of Naresh Sahani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. M.Haque(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2016

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 Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and it is the informant who deserted the petitioner. The petitioner has filed Matrimonial Case No.511/2015 for restitution of conjugal rights and he is still 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 prior to the instant case the husband (Manoj Sahni) of the victim filed Matrimonial Case No.511/2015 dated 22.12.2015 under section 9 of the Hindu Marriage Act against the informant before Principal Judge, Family Court, Muzaffarpur for restitution of his conjugal life and still ready to keep complainant as wife."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM (West) Muzaffarpur, in connection with Muzaffarpur (Mahila) P.S. Case No.6/2016, 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.



Ashwini/-

(Dinesh Kumar Singh, J)

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