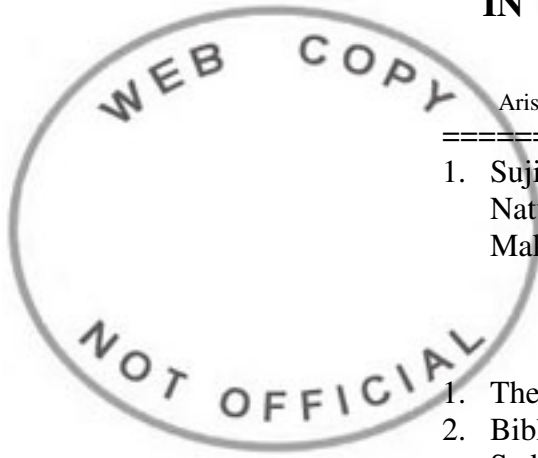




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22516 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA PS District- DARBHANGA

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1. Sujit Kumar Thakur, Adopted son of Late Krishnanand Thakur and Natural son of Devendra Narayan Thakur, Resident of Village- Makrampur, P.S.- Pandaul, District- Madhubani, State- Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Devi D/o Sukhdeo Thakur, Resident of Village- Tarsarai, P.S. Sadar, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha
For the Opposite Party/s : Mr. Manoj Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-08-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 495, 420, 406, 120B/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 and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and ready to keep the informant with dignity and honour. Moreover the petitioner has filed Matrimonial Suit No. 100 of 2012 for the restitution of conjugal right. A statement to

that effect has been made in para 13 of the petition which reads as follows:-

“That, the petitioner being a responsible husband, is ready to keep and maintain the complainant with dignity and honour, safety and security if she became ready to live with the petitioner with co-operation in family life as earlier he has also filed Matrimonial Case No. 100/12, dated 02.06.2012 before the Family Court, Darbhanga for restitution of conjugal right.”

It is further submitted that petitioner has not performed second marriage. A statement to that effect has been made in para 16 of the petition which reads as follows:-

“That, the allegation of second marriage is false and the papers regarding the marriage are fabricated one.”

On the joint prayer of the party the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 19.05.2016. The report of the Mediator at Flag-A dated 22.08.2016 reflects that the issue could not be resolved through the process of mediation.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the

petitioner that petitioner is still ready to keep the informant with dignity and honour.

It is submitted by learned counsel for the informant that though informant has definite knowledge that petitioner has performed second marriage but still the informant is ready to accept the offer of the petitioner for resumption of the conjugal life.

Both sides agree to appear before learned Court below on 19th of September, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Darbhanga in connection Mahila P.S. Case No. 53 of 2015.

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.

The provisional bail of the petitioner will also not been confirmed if substantive proof comes that petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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