

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36455 of 2016

Arising Out of PS.Case No. -136 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

Judge Ram s/o Mahadeo Ram

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Shila Devi w/o Judge Ram D/o Jagdish Ram

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-08-2016 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 323, 379/34 and 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demand and driving out the informant from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep her as wife with full dignity and honour. A

statement to that effect has been made in paragraph no.7 of the petition which reads as follows:-

"That the petitioner is husband and he is ready to keep his wife but she did not agree to live with petitioner."

It is further submitted that similar was the stand of the petitioner before the learned Court below but the prosecution neither produced the case diary nor the informant for reconciliation.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.136/2015, 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.

(Dinesh Kumar Singh, J)

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