

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34957 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Kamlesh Kumar @ Kamlesh Prasad, son of Daroga Prasad
..... Petitioner/s

Versus

1. State of Bihar
2. Shobha Devi, daughter of Shubhnarayan Prasad
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate
For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016 Learned counsel for the petitioner is permitted to make
necessary correction in paragraph no.8 of the petition.

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 341, 323, 498A, 506 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 and making assault to the informant.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant. In fact, the

informant herself deserted the petitioner when the petitioner filed Matrimonial Suit No.25/2016, for restitution of conjugal life. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.8 of the petition which reads as follows:-

"That the petitioner is the husband of the informant and he is ready to keep his wife with full respect and dignity."

It is further submitted that similar was the stand of the petitioner before the learned Court below.

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 CJM, East Champaran, in connection with Pipra P.S. Case No.49/2016, 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.

(Dinesh Kumar Singh, J)

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