

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29023 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

=====

Nathuni Mahto s/o Dhruv Mahto r/o Village Chainpur, P.S. Turkauliya
Distict East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2016

Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 342, 498A, 506, 34 of the Indian Penal Code.

The basic accusation is of torture. It is alleged that the accused persons threatened the informant due to non-fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and since the informant did not want to live with the petitioner, the petitioner filed Matrimonial Case No. 39/2016 for restitution of conjugal rights. It is further submitted that the petitioner is still

ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition.

Considering the present stand of the petitioner, let the abovenamed 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Sadar, Motihari, East Champaran in Motihari Sadar Mahila P.S.Case No. 103/2015, subject to the conditions as laid down under section 438(2) of the 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 the 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)

Surendra/-

U			
---	--	--	--

