

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32495 of 2016

Arising Out of PS.Case No. -114 Year- 2015 Thana -PALIGANJ District- PATNA

Kunal Kumar son of Akhiesh Singh Resident of Village- Kanchanpur, P.S. Bihta, District-Patna

.... Petitioner

Versus

1. The State of Bihar
2. Kumari Khusboo @ Indrani Sharma wife of Kunal Kumar and daughter of Late Ramesh Sharma resident of Village and P.O. Sarsi, P.S. Paliganj, District- Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

For O.P.No.2 : Mr. Pankaj, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2016

Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant. The petitioner has not performed second marriage. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:

"That the allegation of marrying a second wife is false and baseless."

It is further submitted that the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:

"That the petitioner is willing to live with the informant and keep her with love, affection and dignity."

It is further submitted that similar stand was taken by the petitioner before the learned court below but the offer of the petitioner was not accepted by the informant, which gets reflected from the impugned order passed by the learned Addl. Sessions Judge II, Patna.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, in the event of his 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 Addl. Chief Judicial Magistrate, Danapur, Patna in Paliganj P.S. Case No. 114/2015, 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/-

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