

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41229 of 2016**

Arising Out of PS.Case No. -31 Year- 2015 Thana -NALANDA District- NALANDA  
(BIHARSHARIFF)

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Om Prakash Sao son of late Karu Sao.

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 21-09-2016

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 Section 498A of the Indian Penal Code and  
3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the  
petitioner that the petitioner admits his marriage with the  
informant and is ready to keep her as wife with full dignity and  
honour, statement to that effect has been made in para 9 of the  
petition which reads as follows:-

“That the petitioner is ready to keep the  
informant’s daughter with full dignity and  
honour.”

It is further submitted that the petitioner is suffering from bone cancer, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is suffering from bone cancer”.

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, Nalanda at Bihar Sharif in connection with Nalanda P.S. Case No. 31 of 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 when the petitioner will take the informant to her matrimonial house 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 failed to appear or (iii) if the informant deliberately

refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

