

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47052 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -MAHILA PS District- JAMUI

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Rupesh Sah @ Mukesh Kumar @ Mukesh Sah @ Rupesh Kumar Son of
Bishundeo Sah,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-04-2016 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 498A,323, 341, 307 and 379 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.

The petitioner and the informant are present.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"..... Petitioner is ready to keep her with full respect and dignity."

It is further submitted that earlier also the informant filed Complaint Case No. 1598M/2013 which ended into compromise.

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner as in the earlier proceeding as soon as the provisional bail of the petitioner was confirmed, the informant was driven out from the matrimonial house.

Considering the present stand of the parties, let the above named 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jamui in connection with Mahila P.S. Case No.39/2015, 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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