

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36724 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -PUPRI District- SITAMARHI

=====

1. Ram Babu Kumar @ Ram Babu Mahto son of Sitaram Mahto resident of Mohalla Akhara Ghat in front of Navyuwak Samiti School Mahto Lane, Muzaffarpur, ward no. 19, P.S. Town Muzaffarpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Kumari wife of Ram Babu Mahto, daughter of Nagendra Mahto resident of Mohalla Akhara Ghat in front of Navyuwak Samiti School Mahto Lane, Muzaffarpur, ward no. 19, P.S. Town Muzaffarpur, District Muzaffarpur. at present residing of Kushail, P.O. Bhittha Dharampur, P.S. Pupari, District Sitamarhi.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Dr. Indivar Kumari

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016 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 offence punishable under Sections 323,498A,504,313,354 and 379 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands, making assault and driving out the informant from the matrimonial house. It is also alleged that the informant was assaulted on abdomen in order cause miscarriage.

On instructions, it is submitted that the petitioner admits

his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition which reads as follows:

“That, the petitioner is ready and willing to keep the daughter of the informant as his wife at his home with full honour and dignity.....”

It is further submitted that there is no injury report on record to suggest any assault to the informant. Though the impugned order reflects that the petitioner deliberately chose not to appear before the learned court below but it is submitted that under some misapprehension the petitioner could not appear and now the petitioner is ready to keep the informant.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months in the event of arrest or surrender before the learned Court below within a period of four 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 learned SDJM, Pupari, Sitamarhi in connection with Pupari P.S. Case No. 283 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 and 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 or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--