

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39785 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Dhruv Narain Bhagat Son of Late Raghu Nandan Bhagat resident of
Village- Bhopat Pur Bajhiya, P.S.- Kotwa, District- East Champaran
..... Petitioner

Versus

1. The State of Bihar
2. Prabhawati Devi wife of Dhruv Narain Bhagat daughter of Late Raghu
Nath Mahato resident of Village- Barwat Sena, P.S.- Bettiah, District- West
Champaran
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Parties : Smt. Suman Kumari Singh, APP 164

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

ORAL ORDER

2 19-09-2016 The petitioner, being the husband of the informant
apprehending arrest in a case registered under Sections 341, 323
and 498A of the Indian Penal Code.

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

The learned counsel for the petitioner submits 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 still ready to keep the
informant with full honour and dignity if the
informant desires to live with the petitioner.....”

It is, further, submitted that the petitioner has not
performed second marriage and statement to that regard has been
made in paragraph 8, which reads as follows :

“..... The petitioner denied that he has not

solemnized 2nd marriage.”

No case under Section 494 of the Indian Penal Code has been registered. It is, further, submitted that the similar stand was taken before the lower Court.

Considering the present stand of the petitioner, above named, he 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 six weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with of Kotwa (Bhopatpur) P.S. Case No. 79 of 2015 to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

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 anticipatory 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)

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