

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41350 of 2016

Arising Out of PS.Case No. -316 Year- 2014 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar @ Santosh Singh son of Maheshwar Singh.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ajay Kumar-1

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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 Sections 498A, 380, 406 and 323 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 10 of the petition which reads as follows:-

“That be that as it may, the petitioner has no grievance against his wife and he however

undertakes before the Hon'ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

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 11th Addl. Chief Judicial Magistrate, East Champaran at Motihari in connection with Kesariya P.S. Case No. 316 of 2014, 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)

Amrendra/-

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