

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42050 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -BARIYARPUR District- MUNGER

1. Sudarshan Prasad son of Sahdeo Prasad Yadav Resident of Village-
Gandhipur, P,S.- Bariyarpur, District Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 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 offence punishable under Sections 341,323,498A,379,504 and 506/34 of the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner admits his marriage with the informant. The informant earlier filed Complaint Case No. 37C of 2014 in which cognizance was taken under section 498A IPC and sections 3 and 4 of Dowry Prohibition Act wherein the petitioner was granted custody bail vide order dated 27.4.2016

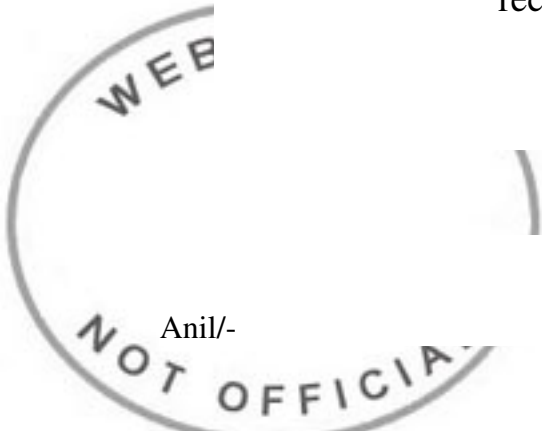
(Annexure 3) by the learned 2nd Additional Sessions Judge, Saharsa passed in Regular bail Application No. 326 of 2016. At earlier point of time the petitioner filed Matrimonial Case No. 161 of 2011 for restitution of conjugal rights.

Considering the fact that the petitioner was granted bail in earlier complaint case filed with similar accusation, let the above named petitioner be released on anticipatory bail 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Munger in connection with Bariyarpur P.S. Case No.117 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.



Anil/-

(Dinesh Kumar Singh, J)

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