

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3562 of 2016

Arising Out of PS.Case No. -43 Year- 2014 Thana -MAHILA PS District- JEHANABAD

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Anuj Yadav @ Sheojee

.... Petitioner/s

Versus

1. State of Bihar,
2. Anita Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-01-2016

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 and 504 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.

On instructions, it is submitted that the petitioner admits his marriage with the informant. Earlier also the informant filed Complaint Case No. 762C of 2012 with similar accusation wherein on the undertaking of the petitioner that he is ready to keep the informant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail vide Cr. Misc. No. 42996 of 2013 but the informant resumed conjugal life for a

brief period and thereafter left the petitioner. It is further submitted that still the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 6 of the petition which reads as follows:

“That the petitioner is husband of the informant (Anita Devi) and he is always ready to keep her with great respect and dignity.”

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 43 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 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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