

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16319 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -MAHILA PS District- KHAGARIA

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Amit Kumar @ Mithilesh Kumar, S/o Kamal Kishore Sah, resident of
village- Tinghariya, P.S.- Kursela, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-04-2016

Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction it is submitted by learned counsel for the petitioner that petitioner admits the marriage with the informant and has filed Matrimonial Suit No. 559 of 2015 for restitution of conjugal right on 02.12.2015, thereafter the present First Information Report was registered on 01.02.2016. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in

para- 8 of the petition which reads as follows:-

“That the petitioner is ready to keep the informants wife with love dignity and honour which she deserver and as such considering the facts and circumstances of the case he deserver to be released on anticipatory bail.”

Similar was the stand of the petitioner before the learned court below, but the informant refused to accept the offer of the petitioner.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Khagaria (Mahila) P.S. Case No. 07 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial

harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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