

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47018 of 2016

Arising Out of PS.Case No. -21 Year- 2014 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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Radheshyam Kushwaha @ Motichand Kushwaha @ Radheshyam @
Motichandra Kushwaha son of Indrasan Kushwaha, resident of village-
Chak Tola Raypatti, P.S. Bishanpura, District- Kushinagar (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Sri Umanath Mishra

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

ORAL ORDER

2 26-10-2016

Petitioner, being the husband of the informant, is

languishing in custody since 11.7.2016 in a case registered for the
offences under Sections 498(A), 494/34 of the Indian Penal Code.

The prosecution case is of torture for non-fulfillment
of the dowry demand.

It is submitted by the learned counsel for the
petitioner on instruction that petitioner admits his marriage with
the informant and birth of a child. Petitioner is still ready to keep
the informant as wife with full dignity and honour. It is further
submitted that the petitioner has not performed second marriage.
A statement to that effect has been made in para 11 of the petition
which reads as follows :-

“ That the petitioner has never married to another
lady as alleged against him as in the F.I.R. because only it
is stated against the petitioner that the threatening for
marriage of another lady was being given to the

informant.”

It is submitted by learned counsel for the informant that the petitioner has performed second marriage and a false statement has been made in para 11 of the petition that petitioner has not performed second marriage. However, informant is ready to accept the offer of the petitioner of resuming conjugal life.

Considering the fact that the investigation has concluded, let the petitioner above named be released on bail provisionally for a period of three months on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha, West Champaran in connection with Thakaraha P.S. Case No.21 of 2014.

Both sides agree to appear before learned Court below on 15th November, 2016, when the petitioner will take the informant and the child to keep them with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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