

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29349 of 2016

Arising Out of PS.Case No. -596 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

Nandan Sahani @ Namdan Sahni @ Nandan Sahni Son of Bhuta Sahani
R/o Village Koahi, P.S. Runnisaidpur, District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Babita Devi wife of Nandan Sahani, daughter of late Mahendra Sahani at present residing at R/o village Atrar P.S. Hathauri, District Muzaffarpur.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016 Heard learned counsels for the petitioner and the State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A and 323/34 of the Indian Penal Code.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. It is the informant who deserted the

petitioner. The petitioner is ready to keep the informant with full dignity and honour and he has not performed second marriage. A statement to this effect has been made in Para-13 of the petition, which reads as follows:-

“That petitioner is always ready to take back his wife with full love and care and he was never performed second marriage.”

Impugned Order reflects that the petitioner failed to appear but the informant appeared before the Court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event 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 Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur Police Station Case No. 596 of 2015, 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 for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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