

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47271 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

=====

Raghvendra Kumar Raghav @ Raghawendra Kumar Raghav

.... Petitioner/s

Versus

1. State of Bihar
2. Rinku Kumari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-10-2016

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 Section 498A 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. The petitioner filed matrimonial suit no. 661 of 2015 on 1.7.2015 with a prayer for divorce whereas the present FIR was registered on 17.3.2016. It is further submitted that in spite of the above facts, the petitioner is still ready to keep the informant as wife with full dignity and honour.

Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That, the petitioner has already filed Matrimonial case for getting divorce decree earlier even though still he is ready to keep the informant as his wife with full dignity and respect if Informant is also ready to live with the petitioner happily and enjoy the marital life with the petitioner. ”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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, East Champaran, Motihari in connection with Pakari Dayal P.S. Case No. 31 of 2016 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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