

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26078 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -MAHILA P.S. District- SARAN

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Kush Kumar, Son of Rameshwar Singh, Resident of Village – Soniya,
Police Station – Daudpur, District – Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari w/o Kush Kumar D/o Ram Balak Singh, Resident of
village – Soniya, Police Station – Daudpur, District – Saran at Chapra,
At present resident of village – Sultanpur South, P.S. –
Mohiuddinnagar, District – Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 04-10-2016

Heard learned counsels 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 Sections 498A/34 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

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

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

informant and birth of two female children. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That, petitioner always and still ready to keep her wife i.e. O.P. No. 2 with full honour and dignity which is clear from the compromise petition which filed before the mediation proceeding during pendency of the anticipatory bail petition of the petitioner, and the compromise will prepare on the condition that petitioner will be paid Rs.15,000/- per month.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 8th of November, 2016 when the petitioner will take the informant and children to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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 Chief

Judicial Magistrate, Saran at Chapra in connection with Mahila (Saran) P.S. Case No. 38 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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; (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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