

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19314 of 2016

Arising Out of PS.Case No. -125 Year- 2015 Thana -ATHMALGOLA District- PATNA

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1. Ashwani Kumar Son of Shashi Bhushan Chaudhary@Nathuni Chaudhary Resident of Mohalla- Bela Chhapra, P.s Bela, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sneha wife of Ashwini Kumar Resident of Village -Bela Chhapra, P.S Bela, District Muzaffarpur, Presently resides with her father namely Ramashray Singh, resident of Fulelpur, PS Athamlagola, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh
For the Opposite Party/s : Mr. Rajeev Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case filed under sections 323, 406 and 498A of the Indian Penal Code and section 34 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. With the same accusation brother of the informant also filed Bela P.S. Case No. 18/2015 registered under sections 341, 323, 379, 504, 498A/34 of

the Indian Penal Code wherein on the offer of the petitioner that the petitioner is ready to keep the informant, the informant has resumed her conjugal right, and at present both are residing together. Statement to that effect has been made in paragraph no.9 of the petition, which reads as follows:

“ That it is also pertinent to mention here that for the same occurrence, on the same fact brother of the present informant, namely Prabhat Kumar also filed a case bearing Bela P.S. Case No. 18/2015 dated 20.5.15, G.R. No. 2379/15, u/s 341, 323, 379, 504, 498A/34 of I.P.C. against five named persons including this petitioner. In the aforesaid case, on written undertaking given by the petitioner before Concerned Court, that he will keep his wife with full dignity and respect, informant Sneha is living with petitioner since 18.2.16.”

Considering the above, let the petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned court below 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, Barh, Patna, in connection with Athamalgola P.S. Case No. 125/15, subject to the conditions as laid down under section 438(2) of the Cr.P.C. The petitioner will produce his wife

on 31st May, 2016, before the court below, when the provisional anticipatory bail of the petitioner will be confirmed on three eventualities(i) on substantial restoration of the matrimonial harmony; or(ii) if the informant gets reluctant to reconcile the issue; or(iii)if the petitioner fails to produce the informant before the learned court below.

(Dinesh Kumar Singh, J)

B.K.Roy/-

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