

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30457 of 2016

Arising Out of PS.Case No. -35 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

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Rishikesh Chaurasia son of Dashrath Chaurasia resident of Village Itaha
Pokhar Police Station Jalalgar in the District of Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Chaurasia W/o Rishikesh Chaurasia, daughter of Ram Kamal Prasad Modi R/Mohalla – Sikandarpur Hafij Hussain Lane, Post – Mirjanhat P.S. – Mojahidpur, District – Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 09-12-2016

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 Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the 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. The informant earlier filed



Complaint Case No. 2320 of 2013 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of Dowry Prohibition Act in which the petitioner has been granted provisional anticipatory bail vide Cr. Misc. No. 25289 of 2015 by a co-ordinate Bench of this Court on readiness of the petitioner to keep the informant as wife with full dignity and honour, but the informant subsequently refused to resume the conjugal life. The petitioner is still on the provisional bail. The present case has been filed during the pendency of the earlier case.

A joint affidavit has been filed today stipulating in paragraph 4 that the petitioner being the husband of the informant is ready to keep the informant as wife with full dignity and honour, which reads as follows:-

“That from now onwards the husband i.e. Rishikesh Chaurasia will keep his wife i.e. Kanchan Chaurasia with all dignity and will give her proper respect and care of wife.”

It is further submitted that both sides agree to file compromise/withdrawal petition in the earlier case i.e. Complaint Case No. 2320 of 2013. It is expected from the court



concerned to pass appropriate order in the matter.

Considering the aforesaid facts and present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest 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 Sub-divisional Judicial Magistrate, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 35 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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