

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43002 of 2016

Arising Out of PS.Case No. -210 Year- 2016 Thana -BAHADURPUR District- DARBHANGA

=====

Shankar Choudhary son of Parmanand Choudhary, Resident of Village-
Raghepura, Police Station- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2016

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 offences punishable under Section 498A 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.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner again reiterates that he is ready to keep his wife with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the mediation failed due to apathetic attitude of the informant which gets reflected from the impugned order.

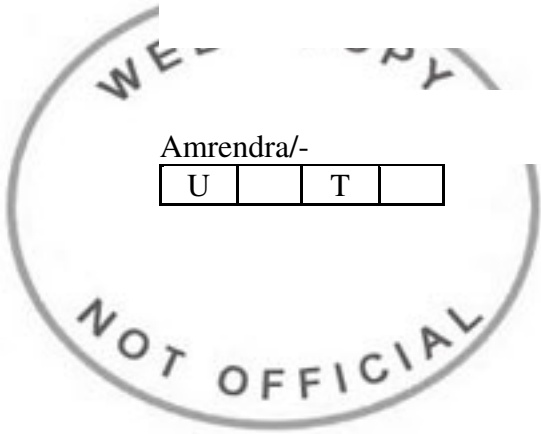
This Court is inclined to give one more chance to the informant to make effort to reconcile the issue.

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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga in connection with Bahadurpur P.S. Case No. 210 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 for her appearance when the petitioner will take the informant to her matrimonial house 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 (ii) if the

informant failed to appear or (iii) if the informant deliberately
refuses to reside with the petitioner.



(Dinesh Kumar Singh, J)