

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19150 of 2016

Arising Out of PS.Case No. -14 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Jai Ram Kumar Soni @ Jai Ram Soni @ Jai Ram Prasad Son of
Sudarshan Soni resident of Village - Ram Nagar, Post Office - Lahanga
Karma, Police Station - Tandwa, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Kumari Daughter of Sumant Prasad Resident of Mohalla - New
Building No. 11, Quarter No. 7, Mathurapur Colony, P.S. - Dalmiya Nagar,
District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari

For the Opposite Party/s : Mr. Arun Kumar Pandey (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 husband of the informant is
apprehending arrest in a case filed under sections 498A, 323, 341,
342, 406/34 of the Indian Penal Code and section 3 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 and is ready to
keep her with dignity and honour, as stated in paragraph no.8 of
the petition which reads as follows:

“That the petitioner is ready and willing to continue his conjugal life peacefully and virtually it is the petitioner who has been deserted by the Informant and she filed a divorce case in the Court of Family Court, Aurangabad vide Divorce Case No. 173 of 2015”

Similar was the stand of the petitioner before the learned court below, which appears from the impugned order as follows:

“ He is ready to keep her with him with full honour and dignity and has also filed a Matrimonial case in the Court of Family Court, Aurangabad for restitution of conjugal right.”

As it appears from the impugned order, the informant did not turn up before the court for reconciliation despite issuance of notice to her.

It has been submitted that the informant filed divorce case in the court of Family Court, Aurangabad-vide Divorce Case No. 173 of 2015.

Considering the present stand of the petitioner, let the petitioner be released on provisional anticipatory bail for one year in the event of 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 Sub Divisional Judicial

Magistrate, Dehri, Rohtas at Sasaram, in connection with Mahila(Dehri)P.S. Case No. 14 of 2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Considering the stand of the petitioner, this Court is inclined to grant one more opportunity to the informant. Let the learned court below issue notice to the informant when the petitioner will take the informant to matrimonial home to keep her with dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed within one year by the learned court below in 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 informant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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