

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31266 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Munna Kumar Singh @ Munna Singh @ Muna Kumar Singh @ Muna Singh, S/o Birendra Singh, residence of village- Parsurampur, P.S.- Palanwa, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-07-2016

Heard learned counsel 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 Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant, but the informant deserted the petitioner two months after the marriage. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That, it is humbly stated and submitted that the petitioner is the husband of the victim and he is ready to keep her with full owner and dignity.”

It is further submitted that it appears from the impugned order that the petitioner has performed second marriage. Though, the petitioner has not performed second marriage.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Palanwa (Bhelahi O.P.) P.S. Case No. 12 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

Let, the learned court below conduct an enquiry and if it is prima facie found that the petitioner has not performed second marriage, then provisional anticipatory bail of the petitioner will be confirmed by the learned court below,

but if the learned court below come to a conclusion otherwise,
then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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