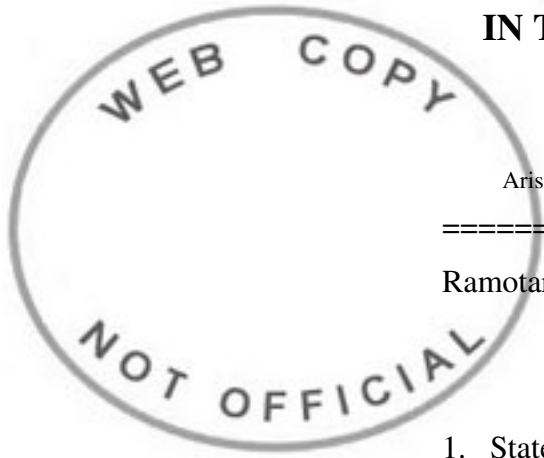




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38000 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -ISMILEPUR District- BHAGALPUR

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Ramotar Mandal, son of Basu Deo Mandal

.... Petitioner/s

Versus

- 1. State of Bihar
- 2. Meena Devi, wife of Ramotar Mandal

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh Shastri Ji(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 24-02-2016 This file has been brought under the heading "For
Orders (On Office Notes).

It appears that the petitioner was granted provisional anticipatory bail vide order dated 18.01.2016 but last portion of the order could not be typed inadvertently. Hence, it was directed vide order dated 28.01.2016 that initial order dated 18.01.2016 be offloaded from the website and complete order be uploaded. Meaning thereby after last portion of the order dated 18.01.2016, the 2nd and 3rd paragraph of the order dated 28.01.2016 was to be

treated inserted.

Under the circumstances, let the office offload the initial order dated 18.01.2016 from the website and internal data base. Further, let the order dated 28.01.2016 be modified to the extent that order dated 18.01.2016 be read as under :

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for 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, 494, 323, 504, 506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant. Though the petitioner has performed second marriage and two children have been born from the second wife. The petitioner is ready to keep the informant with two children as wife with full dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That, the petitioner is ready to keep the

informant with him with full honour and dignity.”

The petitioner and informant are present in the Court.

Learned counsel for the informant submits that informant is ready to accept the offer of the petitioner in spite of the fact that petitioner has performed second marriage. Both the petitioner and informant appear before the learned court below on 10th of February, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six 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, Naugachia, Bhagalpur in connection with Ismailpur P.S. Case No. 59 of 2014, 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 for her appearance. On her appearance, the petitioner

will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.”

(Dinesh Kumar Singh, J)

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