

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6872 of 2016

Arising Out of PS.Case No. -351 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Abhishek Kumar @ Bittu son of Sri Narendra Kumar Singh @ Nagendra Kumar Singh, resident of Village- Pauni Hassanpur, Police Station and District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dimple Kumari wife of Abhishek Kumar @ Bittu, D/o Ashok Kumar Singh, resident of Village- Pauni Hassanpur, Police Station and District- Vaishali. at present resident of Mohalla- S.D.O. More, New Colony, Hajipur, Police Station- Town Hajipur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 06-09-2016

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 342, 323, 307, 498A/34 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 and making assault to the informant.

The matter was referred to the Mediation and Reconciliation Centre of State Legal Services Authority on the

joint prayer of the parties vide order dated 17.03.2016. The report of the Mediator at Flag 'MR' dated 18.04.2016 reflects that the issue could not resolved through the process of the mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, though, the petitioner is aggrieved with the conduct of the informant, but he is ready to keep the informant as wife with full dignity and honour unconditionally at his place of employment. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That still the petitioner is ready to keep her wife with full honour and dignity.”

Learned senior counsel for the informant submits that the informant, though, is also pierced with the frivolous accusation being levelled by the petitioner but she is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 15th of November, 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 seven 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 351 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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