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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21003 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Jitendra Prasad Gupta S/o Ramesh Prasad Gupta Resident of village Kali Bazaar, Ward No 13, P.S. + District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi, W/o Jitendra Prasad Gupta, D/o Satya Narayan Gupta, At present Resident of village – Simraha Bazar, P.S. Simraha, District – Araria.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. R.N.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 26-09-2016 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 341, 323, 498A, 504, 506/34 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children and is ready to keep the informant as wife with full dignity and honour, though, he also

admits that he has performed second marriage.

It is submitted by learned counsel for the informant that in spite of the fact that the petitioner has performed second marriage the informant is ready to reside with the petitioner and is not opposing the prayer for bail as the informant is a poor lady and she wants to save herself and her children from destitution and vagrancy.

Both sides agree to appear before the learned court below on 20th of October, 2016 when the petitioner will take the informant along with the children to keep them 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, Araria in connection Araria Mahila P.S. Case No. 09 of 2016, 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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