

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21081 of 2016

Arising Out of PS.Case No. -91 Year- 2016 Thana -LAHERIASARAI District- DARBHANGA

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Amar Kumar Acharya @ Surya Bhagwan Babu Chauhan Son of Sri Shailendra Paswan, resident of village- Madhupatti, P.S.- Ashok Paper Mill, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari, D/o Shivji Paswan, R/o Allaipatti, P.S. Laheriasarai, Benta O.P., District – Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 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 341, 323, 504, 506, 498A, 379 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 has filed Matrimonial Suit No. 133 of 2015 for restitution of conjugal rights at earlier point of time and thereafter

the present case was lodged. It is further submitted that when the informant got employed thereafter the accusation of torture has been levelled and the petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 16 of the petition, which reads as follows:-

“That even today the petitioner is ready to keep her with all dignity provided she will agree to live with the petitioner.”

The petitioner and the informant are present in the Court.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is a bit apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 26th of September, 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 one year 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, Darbhanga in connection with Laheriasarai P.S. Case No. 91 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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