

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23010 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -RAMPUR District- GAYA

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Arun Prajapati Son of Sheonath Prajapati Resident of Mohalla - Hatia
Chandni Chowk, P.S. - Jagarnathpur, District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of female child and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is the husband of the victim/informant and he is ready to keep his wife with full dignity and for which he has also filed a

Matrimonial Suit Under Section 9 of the Hindu Marriage Act in the court of Family Court Ranchi which was numbered as M.T.S. No. 89 of 2015 and the said case is pending for disposal.”

It is further submitted that the learned Sessions Judge committed an error of record that the petitioner refused to settle the dispute, in fact the petitioner is ready to take the complainant from the court and not from her house as he is apprehensive due to past conduct of her family.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, IVth, Gaya in connection with Rampur P.S. Case No. 32 of 2015, subject to the conditions as laid down under Section 438(2) 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)

Amrendra/-

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