

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33517 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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1. Biran Kumar Mahto @ Biren Kumar Mahto S/o Mangal Mahto, resident of Kasim Bazar Mokhbira, P.S.- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxmani Devi W/o Biran Kumar Mahto @ Biren Kumar Mahto, D/o Siya Ram Mahto, resident of Dildarpur (Bind Toli), P.S Nathnagar, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-08-2016 Heard learned counsel 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 498A, 494/34 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.

It is submitted by learned counsel for the petitioner that though it is alleged that the petitioner has performed second marriage, but the petitioner has not performed second marriage. Statement to that effect has

been made in para-7 of the petition which reads as follows:-

“That it is humbly stated and submitted that petitioner has not solemnized any other marriage with any lady only to make the case serious such type of allegation has been levelled against the petitioner.”

It is further submitted that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 6 of the petition which reads as follows:-

“That, it is humbly stated that petitioner is husband of informant and he is ready to keep his wife with full dignity and respect.”

The petitioner has filed Matrimonial Suit No. 184 of 2016 for restitution of conjugal life.

Considering the present stand of the petitioner, 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, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 60 of 2015, 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 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 within six months 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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