

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48962 of 2015

Arising Out of PS.Case No. -40 Year- 2014 Thana -MAHILA PS District- KATIHAR

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Jiwachh Lal Mandal Son of Dew Narayan Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-03-2016 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 Sections 498A, 315 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and due to assault the pregnancy of the informant got terminated.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and there is no proof with regard to termination of pregnancy of the informant due to assault. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of

the petition which reads as follows:-

"That the petitioner is ready to keep the informant Puja Devi with full love, dignity and honour which she deserves as a wife....."

On instruction, learned 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 past conduct of the petitioner.

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 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 SDJM, Katihar, in connection with Katihar Mahila P.S. Case No.40/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 6th April, 2016 when 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)

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