

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46127 of 2016

Arising Out of PS.Case No. -274 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Arun Kumar, son of Mahesh Pandhit

.... Petitioner/s

Versus

1. State of Bihar
2. Rina Kumari, wife of Arun Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Advocate

For the Opposite Party/s : Mr. Sri Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-10-2016

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/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child. 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 has willing to keep his wife and daughter...."

It is further submitted that similar was the stand of the petitioner before the learned Court below. The petitioner has also filed Matrimonial Suit No.201/2016 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 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, Bhojpur, Ara, in connection with Bhojpur Mahila P.S. Case No.274/2016, 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.

Ashwini/-

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(Dinesh Kumar Singh, J)