

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34307 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Bipin Bihari Singh

.... Petitioner/s

Versus

1. State of Bihar,
2. Maina Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-08-2016

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 offence punishable under Sections 498A, 323,341,342 and 406/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands after about 11 years of marriage.

On instructions, it is submitted that the petitioner admits his marriage with the informant and birth of two children and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has

been made in paragraph no. 9 of the petition which reads as follows:

“That the petitioner is ever ready to keep with the informant (Opp. Party no. 2) with all respect and dignity. ”

It appears from the impugned order that the matter was referred for reconciliation where the petitioner refused the offer of the informant to resume the conjugal life. However, learned counsel for the petitioner submits that now the petitioner is ready to keep the informant as wife.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram in connection with Mahila P.S. Case No. 6 of 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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