

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27173 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -BIHTA District- PATNA

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Vinay Kumar Son of Late Ramashray Yadav resident of village -
Khedalpura, P.S. Bihta, District - Patna, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Baby Kumari D/o Mahendra Yadav R/o village - Kotwan, P.S.
Khagaul, District - Patna, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

06/ 20-01-2017

Heard learned counsels 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, 504, 341, 323 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant. Though, earlier the petitioner was ready to settle the
issue in term of payment of one time settlement amount, but today



a supplementary affidavit has been filed with stipulation in paragraph 2 of the said supplementary affidavit that the petitioner is ready to keep the informant as wife with full dignity and honour.

Paragraph 2 of the supplementary affidavit reads as follows:-

“That it is humbly submitted that the petitioner being husband of the Opposite Party No. 2 is ready to continue with his wife with full honour, dignity and affection in his matrimonial home.”

In pursuance to the notice issued to the opposite party no.2-informant vide order dated 30.06.2016 Mr. Bipin Kumar Jha, Advocate entered appearance but none is appearing on behalf of opposite party no. 2.

In view of 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 Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 54 of 2016, 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 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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