

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46097 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -BARHARA District- PURNIA

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Rupesh Kumar Raj @ Deepak Raj Son of Sri Bhuneshwar Paswan, resident of Village- Gobargarha, P.S.- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi, Daughter of Sri Shyam Prit Paswan, Resident of village – Orlaha, P.S. Barhara, District – Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 30-03-2017

Heard learned counsels for the petitioner, informant-opposite party no. 2 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, 313/34 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 demands, getting the pregnancy of the informant terminated and driving her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the



informant. There is no proof with regard to the termination of pregnancy. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition which reads as follows:-

“That the petitioner is ready to keep her with full honour and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the informant refused to accept the offer of the petitioner.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 2nd of May, 2017 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Judicial Magistrate, Ist Class, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 87 of 2016, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

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; (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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