

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40215 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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Ashok Rai S/o- Gopal Rai, R/o Village- Shankarthu (Madhepur), P.S.-
Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kajal Devi, D/o- Late Narayan Rai R/o Village Balaur, P.S.-
Manigachhi, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Advocate Mr. Shankar Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Smt. Anita Kumari, APP
For the Informant	:	Mr. Manish Kumar No. 13, Advocate Mr. Rohit Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 09-03-2017

Heard learned counsels for the petitioner, State
and the informant-opposite party no. 2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 498A/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 demand.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant having no issue and is ready to keep the informant as



wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife with him with full love and affection.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order but the informant declined to accept the offer of the petitioner.

It appears from the impugned order that the petitioner was granted provisional anticipatory bail but the petitioner could not furnish the bail bond as the issue could not be reconciled.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner, though she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 6th of April, 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 Sub-divisional Judicial Magistrate, Darbhanga in connection with Manigachhi P.S. Case No. 241 of 2015, 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; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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