

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45025 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Ramesh Kumar @ Ramesh Kumar Mandal, Son of Hari Narain Mandal,
resident of Village – Durgapur, Police Station – Raghpur, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi, W/o Ramesh Kumar @ Ramesh Kumar Mandal, Daughter of
Lalo Mandal, r/o/v + P.O. – Chandpipar, P.S. – Kisanpur, District –
Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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

04/ 20-02-2017

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, 420, 504,
506/34 and 494 of the Indian Penal Code and Sections 3/4 of the
Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and is ready to keep the informant as wife with full



dignity and honour. Statement to that effect has been made in paragraph no. 5 of the petition, which reads as follows:-

“That, the petitioner is husband of the informant and still he is ready to keep the informant as legally wedded married wife with full honour and dignity.”

It is further submitted that the petitioner has not performed second marriage. However, specific statement to that effect has been made in the petition but statement has been made in paragraph 7 of the petition that the petitioner denies the accusation under Section 494 of the IPC. Paragraph no. 7 reads as under:-

“That, it is humbly submitted here the informant is not happy with marriage because the petitioner is living at Delhi for earning of his livelihood and did not took her to Delhi. It is further submitted that allegation of u/s- 494 of the I.P.C. is false and concocted to make the case stronger.”

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

Both sides agree to appear before the learned court below on 28th of February, 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, Supaul in connection with Supaul (Mahila) P.S. Case No. 50 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; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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