

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3343 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA P.S. District- PATNA

Avinash Kumar S/o Sri. Ram Babu Singh Resident of Village- Sirpatpur, P.S. Fatuha, District- Patna. At Present R/o Mohalla- Bahadurpur Housing Colony, Near Maxwell Hospital, Bhootnath Road, P.S. Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Pushplata W/o Avinash Kumar, D/o Sri. Ramadhar Singh Resident of Village- Farhangpur, Police Station- Chandi, District- Bhojpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 21-03-2017

Heard learned counsel for the petitioner and the

The petitioner who is the husband of the informant seeks anticipatory bail in connection with Mahila (Patna) P.S. Case No. 34 of 2016, pending in the Court of Judicial Magistrate, 1st Class, Patna instituted for the offence under Sections 323, 498A, 469, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The allegation against the petitioner is of committing torture to the informant for non-fulfillment of demand of dowry.



It has been submitted on behalf of the petitioner that petitioner is ready to keep his wife with full honour and dignity.

It has been submitted on behalf of the informant that informant is also ready to live with the petitioner.

The father of the informant/opposite party no. 2 is present in the Court. He has stated that he wants that his daughter should live with the petitioner. He has agreed to send his daughter with the petitioner, provided petitioner keeps her with dignity and honour.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to surrender before the court below within a period of four weeks and make prayer for regular bail along with an affidavit that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner on provisional bail for a period of nine months and issue notice to the informant and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal relation could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after



issuance of notice, the provisional bail granted to the petitioner shall be confirmed.

It is made clear that in the event the court below finds that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application is disposed off.

(Sanjay Priya, J)

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