

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22005 of 2017

Arising Out of PS.Case No. -75 Year- 2015 Thana -MAHILA PS District- DARBHANGA

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Binod Kumar Gautam, Son of Bhola Mandal, Resident of Village- Inai,
P.s.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, Wife of Binod Kumar Gautam, Daughter of Arjun Mandal,
Resident of Village- Inai, P.S.-Baheri, District- Darbhanga, presently
Resident of Village- Matharahi, P.S.- Baheri, District-Darbhang.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha, Adv.

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 19-08-2017 Heard learned Counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323/341/504/506/498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture.

The prosecution case is that the marriage of the informant was performed with the petitioner in the year 2001 and thereafter two male children were born out of the wedlock. Subsequently, torture was inflicted upon the informant for non-



fulfillment of further dowry demand of Rupees Five Lacs.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children out of the wedlock. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition, relevant portion of the same reads as follows:-

“.... It is specifically submitted that the petitioner is ready to keep the informant as his wife with full honour and dignity.”

Learned Counsel for the informant submits that the informant accepts the offer of the petitioner, as she inclines to resume the conjugal life.

Both sides agree to appear before the learned Court below on 8th of September, 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 three months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



SDJM, Darbhanga, in connection with Darbhanga Mahila P.S.
Case No.75 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 learned Court below in three eventualities (i) if the
matrimonial harmony is substantially restored or (ii) if the
informant fails to appear before the learned Court below or (iii) if
the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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