

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29528 of 2016

Arising Out of PS.Case No. -203 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Dhananjay Tiwary Son of Shri Vanshi Tiwary Resident of Village- Karath,
P.S.- Tarari, District- Bhojpur.

.... Petitioner/s

Versus

1.The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 27-02-017 Heard learned counsels for the petitioner and the State.

However, none appears for opposite party no.2.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 406 and 354A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and not taking the informant to her matrimonial house. The accused persons also abused and made assault to the informant. It is also alleged that the brother of the informant's husband namely Rajesh Kumar tried to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioner that



the petitioner admits his marriage with the informant and birth of two children. The petitioner has also filed Matrimonial Suit No.129/2015 for restitution of conjugal life. The petitioner is an Army personnel and he has no facility to keep the informant to the place of posting. 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 paragraph no.8 of the petition, which reads as under:-

"That the petitioner wants and ready to keep the informant with honour and dignity....."

On the above submission of learned counsel for the petitioner notices were issued to the informant initially on 21.07.2016 and thereafter fresh notices were directed to be issued vide order dated 27.10.2016. The office note dated 12.01.2017 reflects that the opposite party no.2 received notices personally but in spite of that none had appeared on her behalf. As a result, the matter was adjourned on 19.01.2017 and 03.02.2017 as a last indulgence. Today also none is appearing on behalf of opposite party no.2.

Considering the fact that the petitioner is still ready to keep the informant and the child with dignity and honour and the informant even after valid service of notice chosen not to appear



controvert the argument of counsel for the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.203 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the informant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking as stated in paragraph no.8 of the petition.

(Dinesh Kumar Singh, J)

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