

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37287 of 2018

Arising Out of PS.Case No. -209 Year- 2017 Thana -SAHPUR District- PATNA

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Satish Kumar @ Chandu S/o Late Shukhlu Prasad Yadav @ Shukhlu Yadav, R/o Mohalla- Machali Gali Raja Bazar, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Kumari @ Shobha Devi D/o Vijay Yadav, R/o Vill.- Uanan Tola, P.S.- Shahpur, P.O. - Danapur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-06-2018

Heard learned counsels for the petitioner, State and the informant.

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

The prosecution case as per the written report of Shobha Devi submitted on 06.10.2017 to the Station House Officer, Shahpur Police Station is to the effect that the marriage between the petitioner and the informant was performed on 25.04.2016, but subsequently for non-fulfillment of further



demand of five katha of land, the informant was tortured. It is also alleged that the petitioner is having illicit relationship with his brother's wife and petitioner has also made an obscene video of the informant.

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 12 of the petition, which reads as follows:-

“That the petitioner has no any grievance with O.P. No. 2. He is ready to accept her in his family as a wife. If she is ready to live with her husband (petitioner) as a wife.”

Learned counsel for the informant submits that the informant accepts the offer of the petitioner.

Both sides agree to appear before the learned Court below on 16th of July, 2018 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, 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, Danapur in connection with Shahpur P.S. Case No. 209 of 2017, 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 below.

(Dinesh Kumar Singh, J)

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