

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65146 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- MAHILA P.S. District- Bhojpur

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Amit Kumar Gupta @ Amet Kumar @ Amit Kumar, Son of Munna Prasad Gupta @ Munna Sah, Resident of Village- Katar, Post- Hasanbazar, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neha Devi, Wife of Amit Kumar Gupta @ Amet Kumar @ Amit Kumar, Daughter of Madan Prasad, Resident of Village+Post- Sahar, P.S.- Sanhar, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsels for the parties.

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

The prosecution case as per the written report of Neha Devi submitted to the SHO, Mahila Police Station, Bhojpur is to the effect that informant's marriage with the petitioner was performed on 29.11.2017 but subsequently further dowry demand of Rs.One Lac and a motorcycle was made but due to non-fulfillment of the same torture was inflicted upon her.

It is submitted by learned counsel for the petitioner



that petitioner admits his marriage with the informant and is ready to keep her 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 is ready to keep the informant (opposite party No.2) with full respect and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for four months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhojpur at Ara in connection with Mahila P.S. Case No. 94 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.



The provisional bail of the petitioner will be confirmed by the 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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