

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65071 of 2018

Arising Out of PS. Case No.-642 Year-2017 Thana- BAGHA District- West Champaran

Sunil Kumar, Son of Shankar Prasad Roniyar, Resident of Village- Dudahi Bazar (Zirat), Police Station- Vishunpura, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Menka Devi, Daughter of Ashok Sah, Resident of Bagaha Bazar, Police Station- Bagaha, District- West Champaran. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra
For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, as per the written report of Menka Devi, submitted to the Station House Officer of Bagaha Police Station is that the marriage between the informant and the petitioner was performed 13.05.2013 but subsequently, for non-fulfillment of further dowry demand of Rs.Three lacs, torture was inflicted upon the informant by the petitioner and other in-law family members and thereafter, she was ousted from the matrimonial house.

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. Similar was the stand of the petitioner before the learned Court below as gets from the impugned order. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That the petitioner is the husband of opposite party no. 2 and he is ready to keep the opposite party no.2 as the wife with full dignity and honour..”

In the circumstances, let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house 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 four months in the event of 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 Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 642 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) 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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