

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37428 of 2018

Arising Out of PS. Case No.-124 Year-2017 Thana- BELA District- Sitamarhi

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Sachin Kumar, S/o Late Madan Prasad Srivastava, Resident of Village- Susta
Kachchi Pakki, Chauk, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rupam Kumari, Wife of Sachin Kumar, Daughter of Manoj Kumar
Shrivastava, Resident of Village- Khirba, P.O.- Bhiswa Bazar, P.S.- Bela,
District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 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 341,323, 504,379 and 498A/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. The petitioner filed Matrimonial Suit No. 260 of 2017 before the learned Principal Judge, Family Court, Muzaffarpur for restitution of conjugal rights. Statement to that effect has been



made in paragraph 9 of the petition. However, the informant has also filed Maintenance Case No. 72 of 2017 in the court of learned Principal Judge, Family Court, Sitamarhi. Moreover, the petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:

“That it is relevant to state here that the petitioner (Husband) is still ready to keep his wife (O.P. No. 2) with full honour dignity and also ready to give proper respect to her.”

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for six 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, Sadar, Sitamarhi in connection with Bela P.S. Case No. 124 of 2017 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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