

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70156 of 2018

Arising Out of PS. Case No.-263 Year-2018 Thana- MITHANPURA District- Muzaffarpur

Md. Javed @ Tinku son of Md. Jalal, Resident of Mohalla- Rambagh Chouri,
Police Station- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Hena Kaushar Daughter of Md. Naushad, wife of Md. Javed @ Tinku, Resident of Mohalla- Mehadi Hasan Chauk, Brahmpura, Post Office- M.I.T., Police Station- Bramhpur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the petitioner, informant
and the learned APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341,323, 498A and 379 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Hena Kaushar submitted to the SHO, Mithanpura Police Station is to the effect that marriage between the petitioner and the informant was performed on 14.5.2017 but subsequently, further dowry demand was made and due to non-fulfillment of the same, torture was inflicted upon the informant by the petitioner and other in-law family members and ultimately, on 2.11.2017 after



snatching her belongings she was driven out of 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 her with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition which reads as follows:

“That, inspite of aforesaid allegation the petitioner has full regard and sympathy for his wife and he is ready to keep and maintain her with full honour and dignity till his last breath.”

It is further submitted that similar was the stand of the petitioner before the learned Court below, but the impugned order reflects that the petitioner declined to keep the informant and subsequently the informant also refused to reside with the petitioner.

However, learned counsel for the informant submits that the informant, at present, is ready to accept the offer of the petitioner and reconcile the issue. Both sides agree to appear before the learned Court below on 15th January, 2019, when the petitioner will take the informant to her matrimonial house and keep them with full dignity and honour.



Considering the present stand of the parties, 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, Muzaffarpur in connection with Mithanpura P.S. Case No. 263 of 2018 subject to the conditions laid down in 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)

anil/-

U			
---	--	--	--

