

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37344 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA P.S. District- Saharsa

Vikash Kumar Yadav @ Vikash Kumar, Son of Late Dhanush Dhari Yadav,
Resident of Village- Ramphal Ward No.2, Police Station- Saharsa, District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Veena Kumari, Wife of Vikash Kumar Yadav @ Vikash Kumar, Resident of
Village- Ramphal, Ward No.2, Police Station Saharsa, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2018 Heard learned counsels for the parties.

Though the matter has been listed under the heading
'For Orders (on Office Notes)' awaiting service report of the
notice issued to O.P. No. 2 under registered cover with A/d but
since the O.P. No.2 has appeared through her learned counsel,
this matter is being taken up on merits.

The petitioner being the husband of the informant, is
apprehending arrest in a case registered for the offences
punishable under Section 498A,323,504 and 506/34of the IPC
and Sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torutre, levelled after five
years of the marriage, for non-fulfillment of further demand of



dowry after birth of two children. There is specific accusation of assault.

The petitioner and the informant O.P. No. 2 are present. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The petitioner is ready to keep the informant and her children with dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:-

“That it is humbly submitted that petitioner is ready to keep the O.P. No. 2 as his wife with full love, affairs and dignity.”

Learned counsel for the informant submits that the informant is ready to accept the offer but she is apprehensive of the past conduct of the petitioner as he used to assault her in inebriated condition. However, both sides agree to appear before the learned Court below on 3rd October, 2018, when the petitioner will take the informant and her children to her matrimonial house and keep them with full dignity and honour.

Considering the present stand of the parties, in order to save the informant and her children from destitution and vagrancy with a lurking hope that the issue may reconcile in



future, 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 CJM, Saharsa in connection with Saharsa Mahila P.S. Case No. 20 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)

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