

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57985 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- BASANTPUR District- Siwan

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ALOK KUMAR @ ALOK KUMAR SAURABH @ ALOK KUMAR
PANDEY S/o Manindra Kumar Pandey R/o Vill. - Ujjaina, P.O. Sohil Patti,
P.S. - Basantpur, Distt. - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Archana @ Gudiya W/o Alok Kumar, D/o Mankeshwar Rai R/o Vill.
- Dumrahar, P.S. - Darauli, Distt. - Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav
For the Opposite Party/s	:	Mrs. Indiar Kumari , APP
For the Informant	:	Mr. Sudama Singh
		Mr. Rabindra Nath Singh
		Mr. Lok Nath Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-11-2018

Heard learned counsels for the parties.

The petitioner and informant are present in Court.

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

The prosecution case as per the written report submitted to the SHO Lakdinabiganj by informant-O.P. No. 2 Kumari Archana is to the effect that the marriage between the petitioner and the informant was performed on 21.05.2017, but subsequent, to the marriage further dowry demand of Scorpio was made and on showing inability of



the father of the informant to fulfill such demand, the torture was inflicted on the informant by the petitioner and other in-laws family members. The informant was also deprived of basic needs of life. It is also alleged that the petitioner committed unnatural offence with the informant. On 03.02.2018 at about 9.00 A.M., the mother-in-law (Suman Devi) and sister-in-law (Neha Kumari) tried to poison the informant and was badly assaulted. Ultimately, after snatching all belongings of the informant, she was driven out from the matrimonial house, leading to the filing of Basantpur P.S. Case No. 70 of 2018.

On submissions made by learned counsel for the petitioner that the petitioner is ready to keep the informant with full dignity and honour, this Court vide order dated 20.09.2018 issued notice of O.P. No. 2. The order dated 26.10.2018 reflects that the counsel for informant-O.P. No. 2 on appearance accepts the offer of the petitioner of resuming conjugal life. Hence, the matter was placed for appearance of the petitioner and O.P. No. 2 before this Court.

The petitioner and informant are present in Court.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant, having no issue and is ready to take the informant to the matrimonial house and keep her with full dignity and honour. However there is no statement made to that effect in the petition. But, he is apprehensive due to the strong headedness of the informant.

The counsel for the informant submits that informant is ready to resume the conjugal life and there is no reason for the petitioner to become apprehensive of the conduct of the informant.

Both sides agree to appear before the learned Court below on 10.12.2018, when the petitioner will take the informant to the matrimonial house and keep her 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, Siwan in connection with Basantpur P.S. Case No. 70 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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