

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18328 of 2019

Arising Out of PS. Case No.-103 Year-2017 Thana- SIMRI District- Darbhanga

PRINCE KUMAR @ CHHOTU DAS @ CHHOTU Son of Late Yogendra Das, Resident of Village-Garahah, P.S-Naiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anuradha Devi D/o Fekan Das @ Niranjan Kumar Das Resident of Village-Simri, P.S.-Simri, District-Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 342, 354, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the informant Anuradha Devi was performed with the petitioner in the year 2011. Subsequently, the married couple were blessed with a male and a female child, but there was further dowry demand of a motorcycle and cash amount of Rs.1,50,000/- and



due to non-fulfillment of the same, torture was inflicted upon the informant. It is alleged that on 16.07.2017, all the accused person assaulted the informant brutally, as a result, her pregnancy got terminated. The accused persons also attempted to kill the informant by pouring kerosene oil. Ultimately, the informant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children out of the wedlock. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“10. That the petitioner is ready to keep the informant and children with full dignity and honour.

It is further submitted that the petitioner has also filed Matrimonial Suit No.265 of 2017 for restitution of conjugal rights on 20.07.2018, thereafter, the informant has lodged the present FIR on 06.09.2017.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Simri P.S. Case No. 103 of 2017, subject to the conditions as laid down under Section 438(2) 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 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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