

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73977 of 2018

Arising Out of PS. Case No.-93. Year-2018 Thana- JOGAPATTI District- West Champaran

Bal Kanhai Prasad, Son of Jagroop Prasad, Resident of Village- Sirisiya, Ward No.1, Police Station- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 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 323,324,498A and 504 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the Complaint Case No. 106 C of 2018 filed by Chinta Devi which ultimately got registered as police case after being sent under Section 156(3) of Cr.P.C., is to the effect that the informant was married to the petitioner on 8.4.2013 but subsequently, torture was inflicted for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour.



Statement to that effect has been made in paragraph 10 of the petition which reads as follows:

“That the petitioner is ready to keep the informant as his wife with full respect and dignity.”

It is further submitted that the petitioner filed Matrimonial Case No. 40M of 2018 for restitution of conjugal rights which is pending before the learned Principal Judge, Family Court, Bettiah.

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 CJM, Bettiah, West Champaran in connection with Yogapatti No. 93 of 2018 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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