

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76036 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rajesh Kumar, son of Ram Bahadur Prasad, resident of Village- Jolgawa,
Police Station- Jitna, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Adv.

For the Opposite Party/s : Mr.Ram Priya Saran Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 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 Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report submitted by Ranju Devi to the Station House Officer, Muffasil Motihari Police Station to the effect that the informant's marriage was performed with the petitioner on 02.06.2017. For a month the informant was kept with dignity and honour, but thereafter, torture was inflicted for non-fulfillment of dowry demand of Alto Car. The accused persons



also assaulted the informant. An attempt was made to reconcile the issue but it could not be reconciled.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is 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:-

“That the petitioner is ready to keep the informant with full love and dignity.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 176 of 2018 for restitution of conjugal life.

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 CJM, Motihari, East Champaran, in connection with Motihari Muffasil P.S. Case No. 248 of 2018, 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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