

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27920 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- SAHARGHAT District- Madhubani

GANESH DAS Son of Indra Deo Das Resident of Village- Ratauli Minti,
P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kaushaliya Devi Wife of Ganesh Das Resident of Village- Shrikhandi Bhittha, P.S.- Surshand, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-12-2019 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 498A, 307, 120B, 452, 323, 504, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The accusation is of torture after three years of marriage for non-fulfillment of further dowry demand and performing second marriage by the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant, having one



child. The petitioner also admits to have performed second marriage.

It is submitted by learned counsel for the informant that the informant is still ready to resume the conjugal life, even if, the petitioner has performed second marriage, provided that the petitioner keeps her with dignity and honour.

Learned counsel for the petitioner submits that 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 12 of the petition which reads as follows:-

“That petitioner is husband of the informant and he is ready to keep the informant with all respect.”

Both sides agree to appear before the learned Court below on 14.01.2020 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 SDJM, Benipatti, Madhubani, in connection with



Saharghat P.S. Case No.41 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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