

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63086 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- MAHILA P.S. District- Vaishali

Vinay Kumar @ Vinay Mishra, Aged about-34 Yrs,(Husband of informant),
Son of Sri Sudarshan Mishra, Resident of House No.254, Indira Nagar,
Boring Road, Post-Rajapur, West Boring Road, P.S.-Patliputtra, Distt.-Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sushma Kumari, aged about 25 years, Wife of Vinay Kumar @ Vinay Mishra,
D/o of Sri Satyendra Pandey, Resident of Maikey-Mohalla-Harivanshpur
Badrichowk, P.S.-Town Nagar,Distt.-Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Kumar Maharaj
For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Heard learned Counsels for the petitioner and

learned APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 498(A) and 34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

The prosecution case as per the written report of Sushma
Kumari dated 27.07.2018 submitted to SHO, Vaishali Police
Station is to the effect that the marriage of the informant was
performed Vinay Mishra on 26.04.2018, but subsequent to the
marriage, further dowry demand of Rupees Three Lakh was
made and due to non-fulfillment of the same, torture was



inflicted upon the informant and ultimately, she was driven out of the matrimonial house, after snatching all her belongings.

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, however statement to that effect has not been made in the petition. It is further submitted that petitioner filed Matrimonial Suit No. 710 of 2017 before the Principal Judge, Family Court, Patna for restitution of the conjugal life.

Learned counsel for the informant submits that she is ready to accept the offer of the petitioner, but she is quite apprehensive about the past conduct of the petitioner.

As jointly prayed for, both sides agree to appear before the learned Court below on 31.01.2019 when the petitioner will take the informant as wife and keep her with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for a period of six months, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned **SDJM, Vaishali** in connection with



Mahila P.S. Case No. 15 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)

Deepak/Rahul/-

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