

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48313 of 2019**

Arising Out of PS. Case No.-54 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

Surendra Das Son of Shatrudhan Das Resident of Village - Pupri, P.S.- Pupri,
District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rekha Devi Wife of Surendra Das D/o - Dinesh Mandal, Resident of Village - Pupri, P.S.- Pupri, District - Sitamarhi at present R/o Village - Bahurar, P.S.- Nanpur, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 494/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the written report of Rekha Devi submitted to the Station House Officer of Mahila Police Station, Sitamarhi is to the effect that the marriage of the informant was performed with the petitioner on 19.04.2017 but subsequent to the marriage the torture was inflicted for non-fulfillment of further dowry demand of Rs.50,000/-and a



milking cow. Ultimately, the informant was driven out from the matrimonial house. It is further alleged that the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition, which reads as follows:-

“That the petitioner is always ready to bring back the Opp. No.-2 with all respect dignity love and grace but she is not ready to come back with the petitioner for the reason’s best known to herself.”

It is further submitted that the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. I/C, Sitamarhi in connection with Mahila P.S.



Case No. 54 of 2018, subject to the conditions as laid down under 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 her matrimonial house 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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