

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73341 of 2018

Arising Out of PS. Case No.-201 Year-2018 Thana- NAUTAN District- West Champaran

Vijay Kumar, Son of Sri Ganesh Prasad, Resident of Village- Gahiri, P.S.-
Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Juhi Kumari, Wife of Sri Vijay Kumar, Daughter of Late Hazarilal Gupta,
Resident of Village- Rajpur, P.S.- Kesariya, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 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 Sections 498A, 341, 323, 504 and 506/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Juhi Kumari, dated 04.05.2018, submitted to the Station House Officer, Nautan Police Station, is to the effect that the marriage between the informant and the petitioner was performed on 07.05.2017, but subsequent to the marriage, the petitioner and other in-laws family members started torturing the informant for non-fulfillment of the further dowry demand of a car.



Subsequently, the matter was reconciled between the parties, but thereafter, the informant was again tortured by her in-laws family members, including the petitioner.

Learned counsel for the petitioner submits 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 paragraph no.10 of the petition, which reads as follows:-

“That ultimately she appears to have virtually deserted him without rhyme and reason, and started living at her parental house without his consent, and now restoration of matrimonial relation and conjugal harmony cannot be expected, though, the petitioner has kept his door open to welcome her and to keep her with dignity and honour, respect and comfort, security and safety even in his meager means.”

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned Court below.

Learned APP submits that the thrust of accusation is against the petitioner.

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/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 like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran in connection with Nautan P.S. Case No. 201 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the informant and on her appearance, the petitioner will take her 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)

Amrendra/-

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