

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74995 of 2018

Arising Out of PS. Case No.-250 Year-2018 Thana- DARIYAPUR District- Saran

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Anjani Kumar, S/o Deonandan Mahto, Resident of Village-Mathihan,P.S.
Dariapur,Distt.-Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Respondent/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 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 341, 342, 323, 354, 498(A) and 504/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the fardbyan of Rekha Devi submitted to ASI, Narattam Prasad Roy of Dighwara Police Station on 08.08.2018 at about 7.00 A.M., is to the effect that on 07.08.2018 at about 7.00 P.M., the informant along with his father went to her in-laws' house. Thereafter, the accused persons along with the petitioner came into her room and asked for the money which was demanded and due to non-fulfillment of the same, the informant was assaulted by the accused



persons. On the next day at 4.00 A.M., when the informant was going to ease out, then she was being assaulted by her mother-in-law, sister-in-law. On protest being made, father-in-law assaulted her with an iron rod, sister-in-law assaulted her with a lathi and the petitioner assaulted the informant with a knife.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner is ready to keep the informant as wife with full dignity and honour, a statement to that effect has been made in para 8 of the petition which reads as follows:-

“8. That the petitioner being a good nature man, ready to keep the informant/his wife with full dignity and honour but she herself is not ready for that.”

It is further submitted that earlier also the informant filed a case being Dariapur P.S. Case No.189 of 2015 which has been dismissed on the ground of the compromise between the parties.

It is further submitted by learned counsel for the petitioner that earlier also the similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Learned APP submits that the informant has received injury on the back and neck.



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 **ACJM-IVth, Saran at Chapra** in connection with **Dariapur P.S. Case No. 250 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)

Deepak/Rahul/-

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