

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5501 of 2015

Arising Out of PS.Case No. -73 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Girdhari Purve Son of Nakul Purve resident of village - Sahuriya, P.S. Godda, District - Godda (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi wife of Girdhari Purve, Daughter of Parsuram Mandal resident of village - Dalia, P.S. Bounsi, District - Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party/s : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 10-02-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 73 of 2014, registered for the offences punishable under Section 498(A) of the Indian Penal Code.

The complainant alleged that the petitioner subjected her to physical and mental torture due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner is the husband and he is ready to keep his wife. The petitioner filed Matrimonial Case No. 48 of 2011 for restitution of conjugal rights. Notice was issued and after receiving of notice the wife filed this case on 10.01.2014.

Considering the facts aforesaid and the fact that the petitioner earlier filed suit for restitution of conjugal rights and when the notice was served on the wife, the wife filed this complaint case making allegation of demand of dowry and torture almost after three years from the date of filing of Matrimonial Case No. 48 of 2011 for restitution of conjugal rights, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 73 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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