

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7786 of 2015**

Arising Out of PS.Case No. -1207 Year- 2013 Thana -NALANDA COMPLAINT CASE District-  
NALANDA (BIHARSHARIFF)

Rajesh Kumar S/o Ramkrishna Mahto, Resident of Village + P.O. - Ambari  
via Nimi District - Sheikhpura at present residing at Sherpur More Post &  
P.S. Warsaliganj, District - Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Pushpalata Bharti W/o Rajesh Kumar, D/o Raghunandan Prasad,  
Resident of Village - Maghra, P.O. - Maghra, P.S. - Deepnagar  
Biharsharif, District - Nalanda.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar  
For the Opposite Party/s : Mr. Anil Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

02/ 26-02-2015

Heard learned counsels for the petitioner and  
the State.

The petitioner being the husband of the  
complainant is apprehending his arrest in a complaint case in  
which processes have been directed to be issued after cognizance  
being taken for the offences punishable under Sections 498A,  
323, 406 of the Indian Penal Code and 3/4 of Dowry Prohibition  
Act.

The basic accusation is of torture for non-  
fulfillment of the dowry demand.

On instruction it is submitted by learned



counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 6 of the petition, which reads as follows:- **“That the petitioner is ready to live with his wife with full honour and dignity as wife where the petitioner has been working at Surat.”** The petitioner has also filed restitution case. Statement to that effect has been made in para 7 of the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his 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 Sub-divisional Judicial Magistrate, Nalanda in connection with Complaint Case No. 1207(C) of 2013, 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 complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be

confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

**(Dinesh Kumar Singh, J)**

DKS/-

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