

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2780 of 2015**

Arising Out of PS.Case No. -386 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Shintu Malakar, Son of Jai Kishore Malakar
  2. Mintu Malakar Son of Jai Kishore Malakar
  3. Soni Kumari, D/o Jai Kishore Malakar
  4. Pinki Devi wife of Shintu Malakar
  5. Eina Devi wife of Jai Kishore Malakar
  6. Jai Kishore Malakar, son of Late Ramchandra Malakar
- All residents of village- Parwalpur Mayee, P.S.- Parwalpur, District-  
Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi, wife of Mintu Malakar, resident of village- Parwalpur Mayee, P.S.- Parwalpur, District- Nalanda At present village- Amethi, P.S.- Wazirganj, District- Gaya

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

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**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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

03/ 23-03-2015

Heard learned counsels for the petitioners and  
the State.

The petitioner no. 2 being the husband of the complainant and rest of the petitioners are parents, sister, brother and brother's wife of the husband of the complainant are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 504 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.

It is submitted by learned counsel for the petitioners that the petitioner no. 2 is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 7 of the petition, which reads as follows:- **“That the petitioners are still ready to keep the complainant with full love affection and dignity in all respect.”**

The offer of petitioner no. 2 is acceptable to the complainant, who is present in the court.

The marriage between the petitioner no. 2 and the complainant and birth of two children are admitted facts.

Both petitioner no. 2 and complainant agree to appear before the learned court below on 15<sup>th</sup> of April, 2015 when petitioner no. 2 will take the complainant along with two children to keep them with dignity and honour.

Considering the present stand of petitioner no. 2 and the complainant, let the above named petitioner no. 2 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, Gaya in connection with Complaint Case No. 386 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of petitioner no. 2 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.

Considering the present stand of petitioner no. 2 and the complainant, let the above named petitioner nos. 1 and 3 to 6 be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 386 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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