

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17497 of 2015

Arising Out of PS.Case No. -2235 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Mukesh Kumar Singh Son of Shri Ram Chandra Singh,
2. Basmati Devi @ Dasmati Devi Wife of Shri Ram Chandra Singh, Both
resident of village - Alaval Tola, Police Station G.B. Nagar, District -
Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi Wife of Mukesh Kumar Singh, Daughter of Late Ram
Chandra Singh, Resident of Village - Vaishakhi, Police Station sarai O.P.
(Pachrukhi), District - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the complainant and petitioner no.2 being the mother of petitioner no.1 are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 406/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand. The factum of marriage between the petitioner no.1 and the complainant is admitted fact.

On instruction, learned counsel for the petitioners

submits that the petitioner no.1 is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That in any view of the matter the petitioner no.1 is still ready to keep his wife full dignity and honour.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Siwan in connection with Complaint Case No. 2235 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii)

if the complainant gets reluctant to reconcile the issue.

Considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Siwan in connection with Complaint Case No. 2235 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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