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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33108 of 2015

Arising Out of PS.Case No. -902 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-KATIHAR

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Vikash Kumar Jha @ Vikash Jha Son of Dayanand Jha Resident of village - Kataria, P.S. Kursela, District – Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sweta Devi Wife of Vikash Jha, D/o Hari Mohan Jha At Present Resident of village - Bari Bhainsdiara (Bahadur Tola), P.S. Barari, District - Katihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhramveer
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-08-2015 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 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A 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 petitioner that the petitioner admits the marriage with the

complainant and 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 petitioner always wants to live and keep the complainant with her full honour and dignity."** Though, similar was the stand before the learned court below but the complainant refused the offer of the petitioner.

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, Katihar in connection with Complaint Case No. 902 of 2014, 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)

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