

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35753 of 2015

Arising Out of PS.Case No. -1786 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Suresh Kumar Prasad son of Lakshmi Narayan Prasad, Resident of village- Lakhnaur, P.S.- Lakhnaur, District- Madhubani, at present Behind Gurudo Nagar Dharmashala, Magrool Peer Bye-pass, at and P.S.- Karanja, District- Wasim (Maharashtra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Mala Prasad, Wife of Suresh Kumar Prasad, D/O Ashok Kumar Prasad, Resident of village- Lakhnaur, P.S.- Lakhnaur, District- Madhubani, presently residing at village + Post- Brahampura, P.S.- Manigachhi, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Abhay Kumar 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015 Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

On instructions, it is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and 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 the petitioner is still ready to keep the complainant with full respect and dignity also lead conjugal life with her, who is legally wedded wife of the petitioner”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with C.R. No. 1786 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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