

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45451 of 2014

Arising Out of PS.Case No. -368 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Raju Malakar Son of Ramashis Malakar Resident of Village- Nepura,
P.S.- Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Raju Malakar, D/O Basudeo Malakar Resident of
Village- Makhdumpur, P.S.- Hilsa, Distt.- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 20-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323,341,498A and 504 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The factum of marriage and birth of a child are not in dispute.

The petitioner and complainant are present. The

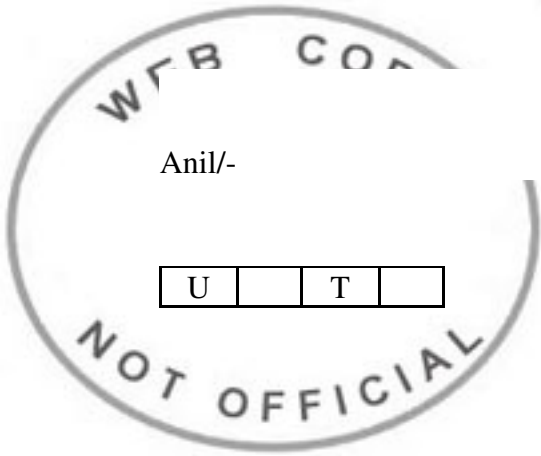
petitioner is ready to keep the complainant and child with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition. The offer is acceptable to the complainant. The petitioner undertakes to take the complainant and the child from complainant's parents' house on 22nd January, 2015.

Though the petitioner has filed matrimonial suit for divorce and a criminal case but the petitioner undertakes to withdraw/compromise within a period of six weeks from today.

Considering the present stand of the parties, let the above named petitioner 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Hilsa, Nalanda in connection with Complaint Case No.368C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii)

if the complainant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)