

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43079 of 2014

Arising Out of PS.Case No. -1827 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Shankar Thakur S/o Janardan Thakur Resident of Village- Sedukha, P.S.-
Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pusplata Kumari @ Susma, W/o Shankar Thakur, daughter of Shyam
Sundar Chaudhary @ Mukri Chaudhary Resident of Village- Balha, P.S.-
Rosera, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 12-03-2015 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case in which processes were
directed to be issued after cognizance being taken under Sections
498A 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.

On instructions, it is submitted that the petitioner is
ready to keep the complainant as wife with full dignity and

honour. Statement to the aforesaid effect has been made in paragraph 2 of the supplementary affidavit. It is further submitted that the petitioner filed restitution case at earlier point of time and the factum of marriage between the complainant and the petitioner and birth of two children are admitted.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 6.4.2015 when the petitioner will take the complainant and children to keep them with full dignity and honour.

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 Samastipur in connection with Complaint Case No. 1827 of 2013 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)

Anil/-

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