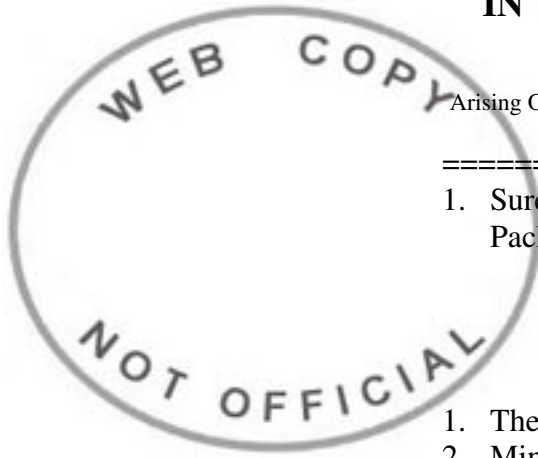




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38413 of 2015

Arising Out of PS.Case No. -467 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

=====

1. Surendra Mahto s/o Bauwalal Mahto resident of Village-janta Pachhiyari Tola, P.s Gaighat, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Minu Devi W/o Surendra Mahto, D/o Ram pavitra Mahto presently residing at Village -Chainpur turki, P.s Kudhani, (Turki O.P), Dist Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur
For the Opposite Party/s : Mr. Arun Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015 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/34 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 made all effort to reconcile the issue

but the matrimonial harmony could not be restored due to the apathetic attitude of the complainant. However, the petitioner is still ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

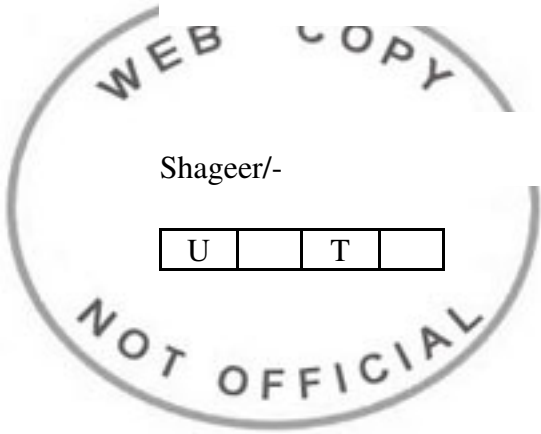
“That the petitioner is
unfortunate husband of the complainant and always
ready to keep her with full honour and
dignity.....”

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, West, Muzaffarpur in connection with Complaint Case No. 467 of 2012.

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)