

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39441 of 2014

Arising Out of PS.Case No. -1327 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Binod Kumar Gupta @ Binod Kumar @ Sarvesh Kumar son of Paras Gupta, resident of Village-Laxmipur Sauraha, P.S.-Chiutaha, District-West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Maya Devi wife of Binod Kumar @ Binod Kumar Gupta @ Sarvesh Kumar, daughter of Sanjay Sah, resident of Laxmipur Sauraha, P.S.-Chiutaha, District-West Champaran

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey
For the Opposite Party : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-05-2015 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 Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

The notices were issued to O.P. No. 2/complainant vide order dated 12.03.2015 on submission of learned counsel for the petitioner that petitioner is ready to keep the complainant as wife with full dignity and honour.

Averment to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is desirous to keep his wife with all dignity and honour.”

The complainant is present in Court and she is ready to accept the offer of the petitioner.

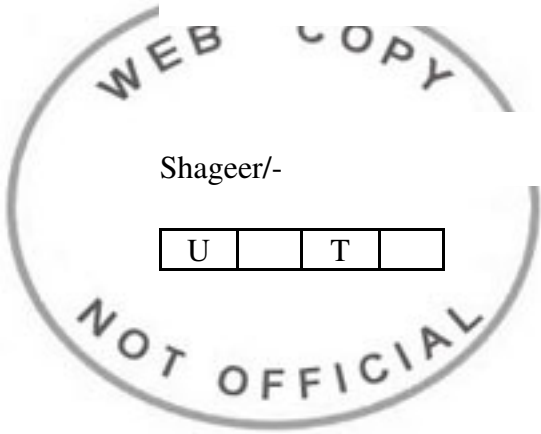
The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

Both sides agree to appear before learned Court below on 2nd of June, 2015 when the petitioner will take the complainant and their daughter to her matrimonial house to keep them with dignity and honour.

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, Bettiah, West Champaran in connection with Complaint Case No. 1327C of 2012.

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)