

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49818 of 2015

Arising Out of PS.Case No. -3731 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Dularchand @ Dularchand Kumar Son of Butan Chaurasia Resident of
Village+P.S.-Mahesh Kunth, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

2. Kabita Kumari Wife of Dularchand @ Dularchand Kumar and D/o Sri
Mahendra Chaurasia, Resident of Village-Badi Maliya, P.S.-Gogari,
Jamalpur, District-Khagaria, at present Ramksihna Nagar, in House of
Netajee, P.S.-Ramkrishnad Nagar, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. N.K.Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 29-10-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 379, 504, 498A/34 of the Indian Penal Code and
3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of
the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant and child as wife with full dignity and honour. Statement to that effect has been made in para- 8 of the petition which reads as follows:-

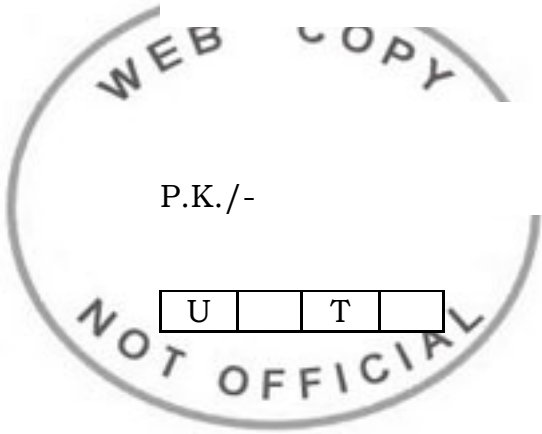
“That the petitioner is ready to keep the complainant as wife and his son with all due respect and honour but the victim lady is not ready to live with the petitioner.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Complaint Case No. 3731C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile

the issue; and (iii) or if the complainant fails to appear before the learned court.



(Dinesh Kumar Singh, J)