

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51444 of 2015

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Shashi Bhushan Singh, S/o Sri Dwarika Prasad Singh, resident of village-
Udama Rekha, Chandrama Chowk, Police Station- Katihar, Muffasil-
District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi, W/o Shashi Bhushan Singh, D/o Dukhit Singh, resident of
village- Dansar, Police Station- Dagarua, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-11-2015 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 498A, 341, 323, 504, 379/34 of the Indian Penal Code and 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 in pursuance of the Matrimonial Suit No. 30 of 2013 filed for restitution of conjugal life the complainant resumes the



conjugal rights. Thereafter the present complaint was filed at earlier point of time, but the order of cognizance was passed subsequently without appearance of the complainant. Though, at present, the complainant is residing at her parents house, but the petitioner is ready to keep the complainant 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 that complainant/wife with love, dignity and honour.”

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 Sub-Divisional Judicial Magistrate, Purnea in connection with Complaint Case No. 179 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)

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