

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56699 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ashwani Thakur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Opposite Party/s : Mr. Dr. Rabindra Kr.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379 and 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but the complainant filed Matrimonial Suit No. 127 of 2013 with a prayer for divorce on 24.06.2013 and thereafter the present complaint was filed on 10.02.2014. It is further submitted that the complainant has performed second marriage with one Navin

Kumar Thakur, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That.....she had married to one Navin Kumar Thakur during survival of the first marriage.”

Considering the matrimonial suit filed with a prayer for divorce by the complainant prior to the filing of the present complaint, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with C.R. Case No. 164 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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