

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15750 of 2015**

Arising Out of PS.Case No. -414 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

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1. Sanjay Mishra @ Guddu son of Ramanand Mishra resident of village : -  
Bihnagar, P.S. : - Pandaul, District : - Madhubani.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Bandana Devi w/o Sanjay Mishra @ Guddu resident of Village : -  
Bihnagar, P.S. : - Pandaul, District : - Madhubani at present residing as  
daughter of Sushil Chaudhar, resident of Village : - Godhanpur, P.S.: -  
Jhanjharpur, District : - Madhubani.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Subhash Kumar Jha

For the Opposite Parties : Mr. Upendra Kumar (App)

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

2      04-05-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case filed with  
accusation under Sections 307, 323, 341, 379, 384, 498A, 504,  
34 of the Indian Penal Code and Section 3/4 of the Dowry  
Prohibition Act.

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

On instructions, it is submitted by learned  
counsel for the petitioner that petitioner is ready to keep the  
complainant as wife with full dignity and honour but the  
complainant herself deserted the petitioner since he is suffering  
from cancer. A statement to that effect has been made in para 9  
of the petition which reads as follows:-

“That it is pertinent to

mention herein that petitioner is suffering from cancer

disease, since 2010 and he is under treatment due to which complainant herself refused to live with him even then petitioner is 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, Jhanjharpur, Madhubani in connection with Complaint Case No. 414 of 2013.

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)**

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