

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11165 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Prem Nath Mishra

.... Petitioner

Versus

1. The State of Bihar.
2. Nira Devi.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate.
For the State : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-03-2015 Heard the learned counsels for the
petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 498(A) of the Indian Penal Code.

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

On instruction, it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour, a statement to that effect has been made in paragraph no. 7 of the petition which

reads as follows:-

"7. That the petitioner happens to be the husband of the complainant and he is always ready to keep the complainant (his wife) with all respect and dignity and in fact the complainant has deserted the petitioner."

It is further stated that the petitioner has also filed restitution case.

Considering the present stand of the petitioner, let the petitioner, above named, be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Complaint Case No. 163 of 2014 (Tr. No. 4210 of 2014) on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Let the learned court below issue notice to the complainant and 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 by the learned court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored within one year (ii) or the complainant fails to appear before the learned

court below (iii) or she gets reluctant to reconcile
the issue.

U.K./-

(Dinesh Kumar Singh, J)

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