

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37787 of 2015

Arising Out of PS.Case No. -758 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Upendra Kumar @ Upendra Yadav Son of Umesh Yadav Resident of village - Kurmawan Tala - Bahera Dih, Police Station - Barachatti, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupi Devi Daughter of Jodhan Yadav Resident of village - Bhalwa Bangla, Police Station - Barachatti, District - Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to

keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That the petitioner is husband of the complainant and petitioner is ready to keep complainant. ”

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Sherghati, Gaya in connection with Complaint Case No. 758 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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) if the matrimonial harmony is substantially restored or (ii)



if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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