

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41358 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -MAHILA PS District- KHAGARIA

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Jitendra Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Adv.
For the informant : Mr. Randhir Kumar No.1, Adv.
For the Opposite Party : Mr. Umesha Nand Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2015

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 process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Case No. 47 of 2015 on 02.06.2015 for restitution of conjugal life and thereafter the present complaint has been filed on 06.06.2015 and the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement

to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

“That the petitioner is still willing to keep the wife with full human dignity as wife.”

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner to resume the conjugal life rather she wants permanent alimony.

Considering the rival submissions of the parties and the fact that the informant is not ready to accept the offer of the petitioner, 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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Khagaria in connection with Khagaria Mahila P.S. Case No. 24 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The informant will be at liberty to seek appropriate remedy for permanent alimony before appropriate forum.

(Dinesh Kumar Singh, J)

Amrendra/-

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