

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46788 of 2015

Arising Out of PS.Case No. -2005 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Tarkeshwar Nath Tiwari Son of Shri Upendra Nath Tiwari Resident of
Village - Dumarshan Bangra, Paschim Tola, P.S.- Mashrak, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Tarkeshwar nath Tiwari Resident of Damarshan
Bangra, Paschim Tola, P.S.- Masarak, District - Saran at Present Daughter
of Late Rameshwar Choubey, Resident of Karcholia Tola, Sarajua, P.S.-
Panapur, District - Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey
For the Opposite Party/s : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2015 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 and 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic 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 Suit No. 105 of 2014 for restitution of conjugal

life and is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

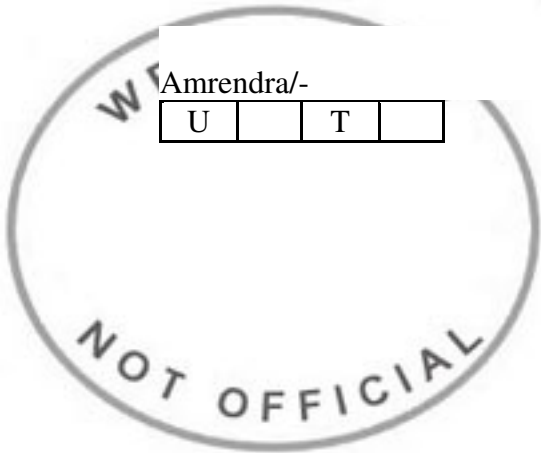
“That the petitioner is ready to keep the complainant as wife with full dignity and honour.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saran at Chapra in connection with Complaint Case No. 2005 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant

gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)