

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46469 of 2015

Arising Out of PS.Case No. -1629 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Dayanand Prasad Chandrawansi @ Dayanand Chandrawansi Son of Shital Prasad Chandrawani, Resident of Village - Brahmpur, P.S. - Phulwarishariff, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudia Devi, Daughter of Ramjee Prasad, Wife of Sri Dayanand Prasad Chandrawansi, At present residing at Mohallah - Panchyati Akhara, Maksudpur Kothi, Near Sheo Mandir, P.S. - Kotwali, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Binod Kumar 3(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 Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that though, the complaint was also filed with accusation under Section 494 IPC but the learned Magistrate has prima facie not found the

case true under Section 494 IPC. The petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the complainant’s husband still loves his wife and child. He is ready to keep her 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, Gaya in connection with Complaint Case No. 1629 of 2012, 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)

Amrendra/-

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