

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53905 of 2015

Arising Out of PS.Case No. -284 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Sudama Mandal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2015

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 494 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 and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has not performed second marriage, statement to that effect has been made in para 6 of the petition, which reads as follows:-

“That the allegation against the petitioner of a second marriage with Babita Kumari is denied in its totality.”

It is further submitted 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 para 8 of the petition which reads as follows:-

“That the petitioner is ready and willing to keep the complainant/opposite party no.2 as his lawful and legally wedded wife and to bestow upon her all love and affection to which she is entitled to.”

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 CJM, Bhagalpur in connection with Complaint Case No. 284 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.

The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second and in that event the petitioner will surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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