

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33966 of 2014

Arising Out of PS.Case No. -1536 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Sudish Yadav Son of Banarasi Yadav Resident of Village - Darogahatta,
Post - Chappia, P.S. - Husainganj, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Durgawati Devi, W/o Sudish Yadav, Resident of Village – Bulli Tola,
P.S. Patter, P.S. Raghunathpur, District – Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 17-08-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 323, 379 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The marriage between the petitioner and the complainant have no issue is admitted fact.



Though, the petitioner has filed matrimonial suit for divorce at earlier point of time, but it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:- **“That the petitioner is still ready to keep his wife by full dignity law the his wife has not agree of this promise for again living with husband and this wife has lived with Bahnoi namely Bhim Choudhary.”**

Counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 27th of August, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Siwan in connection with Complaint

Case No. 1536C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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