

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6380 of 2015

Arising Out of PS.Case No. -3795 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Bibhishan Sah @ Bhabhikhan Sah S/o Shankar Sah Resident of Village
Lohara, P.S. Chapra (M), District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Kumari W/o Bibhishan Kr. Sah, D/o Jiut Sah Resident of Lohra,
P.S. Chapra (M), District Saran. At present village Karah, P.S. Baniapur,
District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Dr. Indihar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2015 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 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner

submits 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 9 of the petition which reads as follows:-

“That it is humbly submitted that the petitioner is still ready to keep the opposite party no.2 with full respect, honour and dignity. The petitioner is a labourer working as Halwaha.”

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 Sub-divisional Judicial Magistrate, Chapra in connection with Complaint Case No. 3795 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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