

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38495 of 2014

Arising Out of PS.Case No. -1486 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Vijay Kumar Mandal Son of Baijnath Mandal resident of Village -
Bhawanipur, P.S. - Barari, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nandani Devi, Wife of Vijay Kumar Mandal, D/o Gopali Rai, R/o
village – Simra, P.S. Tikapatti, District – Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

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

05/ 01-09-2015

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 498A/34 of the
Indian Penal Code and 4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:- **“That still the petitioner is ready to keep the complainant/wife with love dignity and honour if the complainant desires to resume the conjugal life with the petitioner as such the petitioner deserves anticipatory.”**

Both sides undertake to appear before the learned court below on 4th of October, 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 Sub-divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 1486 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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