

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17599 of 2015

Arising Out of PS.Case No. -607 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Santosh Kumar Madhesia son of Ram Das Madhesia, Resident of village-
Purani Nautanawan, Police Station- Nautanawan, District- Maharajganj
(U.P).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheela Devi @ Sneha Devi, wife of Santosh Kumar Madhesia, Resident
of village- Purani Nautanawan, Police Station- Nautanawan, District-
Maharajganj (U.P). At present daughter of Hari Prasad, resident of village-
Harkhauli, Police Station- Mirganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2015 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 processes were directed to be issued after cognizance being taken under Sections 498A and 406 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that prior to the present case the petitioner filed Matrimonial Case No.

57 of 2014 before the learned Principal Judge, Family Court, Maharajganj (U.P.). On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition, the relevant portion of which reads as follows:

“That the petitioner is still ready to keep the complainant as a wife with full honour and dignity.....”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Gopalganj in connection with Complaint Case No. 607 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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