

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40078 of 2015

Arising Out of Complaint Case No. -745 Year- 2013 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

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Rajesh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015

Heard learned counsels for the petitioner and the State.

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

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant on 25.01.2007 and he is ready to keep the complainant as wife and the children, born out of the wedlock, with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"7. That the petitioner is ready to keep his wife and daughter

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Hazipur, Vaishali in connection with Complaint Case No.745 of 2013, 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)

Ashwini/-

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