

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47839 of 2015

Arising Out of Complaint Case No.. -2276 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

Pradeep Kumar, son of Rajendra Mahto

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Smt. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-10-2015

Heard learned counsels for the petitioner and the State.

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

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 and he is ready to keep the complainant as wife with full dignity and honour. But it was the complainant who deserted the petitioner and failed to appear before the learned court below during mediation. A statement to that effect has

been made in para 17 of the petition which reads as follows:-

"17. That from the perusal of learned Sessions Judge's impugned order in Mediation Centre complainant was not coming in mediation centre but the petitioner is still always coming in Mediation Centre and still ready to keep the complainant with full dignity and honour."

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 CJM, Samastipur in connection with Complaint Case No.2276 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.

Ashwini/-

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(Dinesh Kumar Singh, J)