

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40108 of 2015

Arising Out of Complaint Case No. -574 Year- 2014 Thana -MADHUBANI COMPLAINT CASE
District- MADHUBANI

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Lalit Kumar Yadav @ Lalit Narayan Yadav @ Lalit Kumar, son of Ram Prasad Yadav

.... Petitioner/s

Versus

1. State of Bihar
2. Rinki Devi, wife of Lalit Kumar Yadav

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015 Heard learned counsels for the petitioner, informant 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 Sections 323, 498A, 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act

The basic accusation is of torture for non-fulfillment of 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. A statement to that effect has been

made in para 11 of the petition which reads as follows:-

"11. That it is relevant to mention here that the complainant is short temperament lady and she is not ready to live with the petitioner peacefully, however, petitioner is ready to live with complainant."

It is further submitted by learned court for the petitioner that the petitioner has filed Matrimonial Case No. 248 of 2014 for divorce and is ready to withdraw the same.

Learned counsel for the informant submits that the informant accepts the offer of the petitioner.

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, Jhanjharpur, Madhubani in connection with Complaint Case No.574 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides undertake to appear before the learned court below on 30th September 2015 when the petitioner will take the informant 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)

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