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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44274 of 2014

Arising Out of PS.Case No. -762 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Shankar Rai Son of Upendra Rai resident of village- Malpur Agrail, P.S.- Sakra, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari Wife of Shankar Rai, D/o Upendra Rai Resident of village- Bherakhara, P.S.- Patepur, district- Vaishali.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s : Mr. Ajay Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 19-03-2015 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 in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code and 4 of Dowry Prohibition Act.

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

On submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as

wife with full dignity and honour. Statement to that effect has been made in para 11 of the petition. On the basis of above submission, notices were issued to the complainant vide order dated 16.12.2014. From the office note dated 09.01.2015 it appears that notices were served to the counsel for the complainant appearing before the learned court below, but none is appearing on behalf of the complainant.

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 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 (East), Muzaffarpur in connection with Complaint Case No. 762 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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)

DKS/-

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