

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44316 of 2014

Arising Out of PS.Case No. -1269 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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Anil Das S/o Baijnath Das R/o Village - Dokhi, P.S. - Sono District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, W/o Anil Das D/o Satya Narayan Das, R/o village – Dokli
P.S. Sono, District – Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shaukat Alam

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 07-04-2015

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 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The factum of marriage between the petitioner and the complainant and the birth of three children are admitted facts.



Notices were issued to the complainant-opposite party no. 2 vide order dated 16.12.2014 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 15 of the petition, the relevant part of which reads as follows:- **“Though the petitioner was/is ready to keep her and children with him.”**

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 28th of April, 2015 when the petitioner will take the complainant and the children to keep them with dignity and honour.

Considering the present stand of the parties, 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, Jamui in connection with Complaint Case No. 1269C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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)

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