

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33113 of 2015

Arising Out of PS.Case No. -2355 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Rajeshwar Kushwaha, son of Ramashish Kushwaha

.... Petitioner/s

Versus

1. State of Bihar
2. Babi Devi, wife of Rajeshwar Kushwaha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The marriage between the petitioner and the complainant and birth of two children out of the wedlock are admitted facts.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

"13. That the petitioner is willing and ready to keep his

wife/complainant with full dignity"

On instruction, learned counsel for the complainant submits that the complainant 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 Sub-Divisional Judicial Magistrate, Siwan in connection with Complaint Case No.2355 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 28th August 2015 when 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)

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