

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18339 of 2015

Arising Out of PS.Case No. -1933 Year- 2013 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Usha Devi, wife of Nandu Mistri @ Nandu Sharma
 2. Nandu Mistri @ Nandu Sharma, son of Jageshwar Mistri, both resident of village- Bakiya Surari, P.s.- Chewara in the District of Sheikhpura.
 3. Shyam Narayan Prasad @ Tinku son of Arjun Mistry Resident of village-Konan, P.s.- Asthawan, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamli Devi, wife of Shyam Narayan Prasad @ Tinku, daughter of Rajkumar Mistri Resident of village- Pakribarawan, P.S. Pakribarawan, district Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner no.3 being the husband of the complainant and petitioner nos. 1 and 2 being the sister and brother-in-law of petitioner no.3 are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioners submits that the petitioner no.3 is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That petitioner no.3 is still ready to keep his wife/complainant with full honour and dignity.”

Considering the present stand of the petitioner no.3, let the above named petitioner no.3 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, Nawada in connection with Complaint Case No. 1933 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 no.3 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.3 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.

Considering the present stand of the petitioner no.3, let the above named petitioner nos. 1 and 2 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Nawada in connection with Complaint Case No. 1933 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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