

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55722 of 2015**

Arising Out of PS.Case No. -3145 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT  
District- EASTCHAMPARAN(MOTIHARI)

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1. Vikas Kumar, son of Binod Kumar @ Arbind Kumar, Resident of Mohalla- Chandmari, P.O. and P.S. Motihari, Town, District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rinki Kumari, Wife of Vikash Kumar, Resident of Mohalla- Chandmari, P.O. and P.S.- Motihari Town, District- East Champaran At present daughter of Ram Naresh Prasad, Resident of Village- Turkaulia, P.O. and P.S. Turkaulia, District- East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh - 1(App)

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

2      08-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A,307,406,504,506,324,344 and 120B/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instruction it is submitted that the petitioner admits his marriage with the complainant. Though earlier the complainant filed Matrimonial Suit No. 265 of 2015 with a prayer for divorce

but subsequently the same was withdrawn. Thereafter the petitioner filed Matrimonial Suit No. 232 of 2014 for restitution of conjugal right. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no.8 of the petition which reads as follows:

“That it is respectfully submitted that the petitioner is ready to keep the complainant with full respect and dignity as wife. ”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Sadar, Motihari in connection with Complaint Case No. 3145 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 and 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 by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Anil/-

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