

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51718 of 2015

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1. Santosh Mahto son of Jangal Mahto, resident of village- Pastan, P.S.-
Andhara Thadhi, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

2. Rekha Devi, W/o Santosh Mahto, resident of village- Pastan, P.S.-
Andhara Thadhi, District- Madhubani and at present residing as c/o Tetar
Mahto, resident of village- Bathnaha, Tole Kachhuwa, P.S.- Lakhsaur,
District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

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

2 04-11-2015 Heard learned counsel 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 323, 341, 498A, 379, 495, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 13 of the petition which reads as follows:-

“That it is submitted that petitioner is innocent husband of the complainant/O.P. no. 2 and ready to keep her with full honour and dignity whereas O.P. No. 2 herself denied to live with him.”

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, Jhanjharpur, Madhubani in connection with C.R. Case No. 492 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)