

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35233 of 2015

Arising Out of PS.Case No. -1235 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Pramod Das

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that though, statement has been made in para 9 of the petition that the complainant has performed second marriage with one Santosh Das but the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is ready to keep her peacefully

as a wife without any grievance and without any demand.”

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 SDJM, Rosera, Samastipur in connection with C.R. No. 1235 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, if she denies the performance of second marriage with Santosh Das and agrees to reside with the petitioner then the provisional bail of the petitioner will be confirmed by learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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