

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1442 of 2016

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1. Bijay Chaudhary, Son of Late Laxman Chaudhary, Resident of of
Village- Ratanpatti, P.S. Murliganj District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubey Devi wife of Bijay Chaudhary and D/O Maharaj Pathak Resident
of Village- Shishuapatti, P.S. Gawalpura, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv
For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

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

2 11-01-2016 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 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Suit No. 103 of 2014 for restitution of conjugal rights and is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is ready to keep her wife/complainant with full dignity and honour..”

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 Chief Judicial Magistrate, Madhepura in connection with Complainat Case No. 1046 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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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