

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4176 of 2016

Arising Out of PS.Case No. -1901 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Pandu Tanti S/o Shri Gopal tanti Resident of Village- Uprama, Police station -Rajoun, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushbu Devi W/o Pandu tanti, D/o Anil Tanti Resident of Village-
Dumariya, P.s Rajoun, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 323, 504, 498A, 379, 494 of the Indian Penal Code and under section 3 of Dowry Prohibition Act.

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

The petitioner admits marriage with the complainant. On instructions, it is submitted that 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. 9 of the

petition which reads as follows:

“9. That the petitioner is ready to keep the complainant (O.P. No.2) with full dignity and honour, she do not want to live with the petitioner in his house. She wants to live in her naihar.”

The petitioner has not performed second marriage. Statement to this effect has been made in paragraph 11 of the petition which reads as follows:-

“11. That so far allegation of 494 IPC is totally false, because the petitioner not married with another girl. The petitioner is only son of his father and the complainant wants that the petitioner also live in her naihar. When the petitioner refused to live in naihar of complainant the she filed the present case.”

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, Banka in connection with Complaint Case No. 1901 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

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)

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