

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27685 of 2016

Arising Out of PS.Case No. -1454 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAINT CASE
District- BHABHUA (KAIMUR)

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Nirmal Prasad, son of Rambriksh Prasad, resident of village Hatana, P.S. Kochas, District Rohtas, at present village Kadasara, Mahmoodganj, P.S. Durgawati, District Kaimur (Bhabua)

.... Petitioner

Versus

1. The State of Bihar
2. Kaushalya Devi, wife of Nirmal Prasad, D/o Bateshwa Prasad, village Hatana, P.O. Mahuwari, P.S. Kochas, District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-07-2016 Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a case registered for the offence punishable under section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the complainant was married with the petitioner and got two children with the petitioner. The petitioner has not performed marriage with any other lady at any earlier point of time. A statement has been made in paragraph 8 of the application that the

petitioner is ready to keep the complainant as his wife with full dignity and honour.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but the petitioner has elicited relationship with Prema Devi, who is working in Nursing home of the petitioner. Therefore, the petitioner will not allow the complainant to live with him.

Considering the present stand of the parties, let the petitioner, abovenamed, be released on provisional anticipatory bail for six months, in the event of his 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 the Chief Judicial Magistrate, Kaimur at Bhabua in Complaint Case No. C1454/2015, Tr.No. 122/2016, 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 for her appearance. 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, (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)

Surendra/-

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