

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36447 of 2016

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1. Ram Bharosh Yadav @ Ramvaros Yadav, Son of Kapildev Rai @ Kapildew Yadav, resident of Village- Kadhan, Police Station- Kesaria, District- East Champaran at Motihari, at present residing at Quarter no. 267, E.T. Hostel, sector-2, P.S.- Ranipur, Distt.- Haridwar (Uttarakhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munni Devi @ Lalmuni Devi, Wife of Ram Bharosh Yadav @ Ramvaros Yadav and Daughter of Mahesh Rai, resident of Village- Khapgopalpur, Police Station- Kesaria, District- East Champaran at Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being 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 and 323 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The accusation of demand of dowry after fifteen years of

marriage appears to be unreasonable. The petitioner has also filed Matrimonial Suit No. 300 of 2015 for restitution of conjugal rights. It is further submitted that the petitioner is ready to keep her as wife with full dignity and honour though statement to that effect has not been made in the petition.

It appears that the learned Sessions Judge has disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806 (Cr. Misc. No. 51075 of 2014 since only the summons were issued. Learned counsel for the petitioner has not controverted this fact that only summons have been issued till date.

In the circumstances, it is a case for bail in view of the ration laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806 if the petitioner surrenders within six weeks from today in connection with Complaint Case No. C-1212 of 2015 pending in the court of learned A.C.J.M. XIII, East Champaran at Motihari.

This application is disposed of with the
aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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