

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38340 of 2016

Arising Out of PS.Case No. -1290 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Mukesh Mahto S/o Sri Amar Mahto @ Amar Singh, Resident of Village-Turki Tola Jawadih, P.S. Kurhani, Distt.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Mira Devi @ Meera Devi D/o Dasai Mahato, W/o Mukesh Mahto, R/o Village-Harpur, P.S.- Kathaiya, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands of she-buffalo and cash of rupees two lacs. It is also alleged that the petitioner has driven out the complainant from the matrimonial house.

On instruction it is submitted that the petitioner admits his marriage with the complainant and has filed Matrimonial Case

No. 56 of 2014 for restitution of conjugal rights. 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. 12 of the petition which reads as follows:

“ That it is submitted here that the petitioner is always ready to keep his wife (Complainant herein) with full honour and dignity.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of six 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 JM Ist Class, Muzaffarpur in connection with Complaint Case No. 1290 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 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.



Anil/-

(Dinesh Kumar Singh, J)

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