

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33817 of 2016

Arising Out of PS.Case No. -1354 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Deepak Kumar S/o Laxami Sharma @ Laxmi Prasad Vishwakarma resident
of Village- Pankaj Chowk, Koiriya Tola, P.S.- Raxaul, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi W/o Deepak Kumar, D/o Ram Ekbal Sharma R/v Pankaj
Chowk Koiriya Tola, P.S.- Raxaul, at present residing Brit Gamharia,
P.S.- Banjaria, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Sri Gajendra Prasad Yadav

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

ORAL ORDER

02/ 09-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his 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 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is ready to keep her with full dignity.”

It is further submitted that the similar was the stand of the petitioner before the learned court below and the petitioner has filed Matrimonial Suit No. 79 of 2015/179 of 2015 for restitution of conjugal rights.

Considering the present stand of the petitioner, let the above named petitioner 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate Sadar, East Champaran at Motihari in connection with Complaint Case No. 1354 of 2015, 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 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) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.



(Dinesh Kumar Singh, J)

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