

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31454 of 2016

Arising Out of PS.Case No. -402 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Raj Kumar Giri S/o Akindra Giri R/o Vill Mahuwaha P.S. Rajepur, Dist- E.
Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shilapi Kumari W/o Raj Kumar Giri At present R/o Vill Pakaridayal P.S.
Pakaridayal Dist- E. Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Abhay Kumar Roy

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

ORAL ORDER

2 09-08-2016

Heard learned counsel for the parties.

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 323, 498A/34 of the Indian Penal Code and 3/4 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 petitioner admits his marriage with the complainant and he is ready to keep the complainant 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 still ready to keep her as his wife with full dignity and respect. She does not want to live with petitioner. The court below has issued non-bailable warrant against the petitioner."

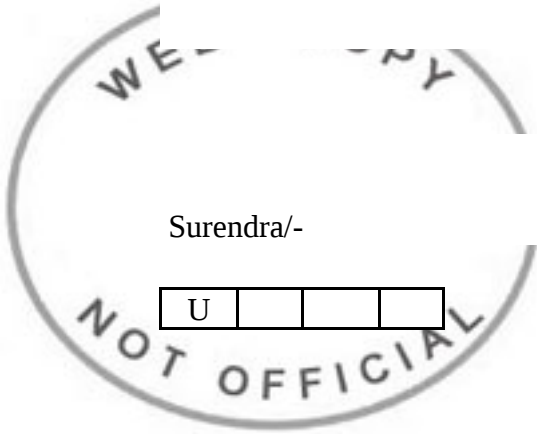
It is further submitted that similar stand was taken by the petitioner before the learned court below.

Considering the present stand of the petitioner, let the abovenamed 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Motihari, District East Champaran, in Complaint Case No. 402/2014, 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.



Surendra/-

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(Dinesh Kumar Singh, J)