

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39152 of 2016

Arising Out of PS.Case No. -744 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Sushil Mandal son of Late Motilal Mandal Resident of Village-Khaira
Lalchand, P.S.Falka, O.P. Pothia, District-Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Sushil Mandal Resident of Village-Khaira Lalchand,
P.S.Falka, O.P. Pothia, District-Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.
For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner is 62 years old. The petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been

made in para 6 of the petition which reads as follows:-

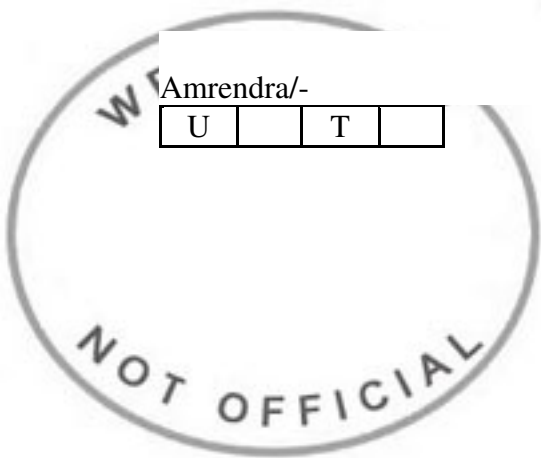
“That the petitioner is the husband of the complainant Sushila Devi and he is old man aged about 62 years and suffering from old age ailments inspite of he is ready to keep his wife Sushila Devi with full dignity and honour at his house peacefully and maintain her.”

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar in connection with Complaint Case No. 744 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance when the petitioner will take the complainant to her matrimonial house 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 failed to appear or (iii) if the complainant deliberately

refuses to reside with the petitioner.



Amrendra/-

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(Dinesh Kumar Singh, J)