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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54071 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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1. Santosh Kumar S/o Sri Munna Prasad Resident of Panchmahal Gilanpar, P.S. - Jehanabad, District - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Kumari D/o Binod Kumar, W/o Santosh Kumar Resident of Village - Prasad Bigha Nawada, P.S. - Town, District - Nawada

.... Opposite Party/s

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with

Criminal Miscellaneous No.52713 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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1. Munna Prasad S/o Nanhak Sao
2. Baiju Prasad @ Kumar S/o Munna Prasad
3. Mukesh Kumar S/o Munna Prasad
4. Shyamful Devi W/o Munna Prasad
5. Indu Devi W/o Baiju Prasad @ Kumar All residents of village/mohalla - Panch Mahala Gilanpar, P.S. + District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabita Kumari W/o Sri Santosh Kumar, D/o Sri Binod Kumar resident of Mohalla - Prasad Bigha, P.S. + District - Nawada.

.... Opposite Party/s

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Appearance :
(In Cr.Misc. No.54071 of 2015)
For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap (App)
(In Cr.Misc. No.52713 of 2015)
For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. S.K.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 29-01-2016 The petitioner Santosh Kumar of Cr. Misc. No. 54071 of 2015 is the husband of the informant whereas petitioners in Cr. Misc. No. 52713 of 2015 are the parents, brothers and brother's wife of the husband of the informant are apprehending their arrest in a case registered for the offences

punishable under Sections 498A, 379, 323, 341, 504, 313/34 of the Indian Penal Code and Section ¾ of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and getting the pregnancy terminated.

The matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 02.12.2015 but it appears from the report of the Mediator at Flag-A dated 18.01.2016 that the mediation has not concluded.

The petitioner Santosh Kumar and the informant are present.

It is submitted by learned counsel for the petitioners on instruction that petitioner Santosh Kumar admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

> "That the petitioner is still ready to keep the informant with full dignity and honour and undertakes to maintain his wife."

It is submitted by learned counsel for the informant that in spite of serious accusations the informant is ready to accept the offer of the petitioner Santosh Kumar.

Learned counsel for the petitioners undertakes that petitioner Santosh Kumar will take the informant to Delhi at his place of employment on 4th of February, 2016 from the Chambers of the counsel for the informant.

Considering the present stand of the petitioner Santosh Kumar, let the petitioner, Santosh Kumar(Cr. Misc. No. 54071 of 2015), in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada in connection with Nawada Mahila P.S. Case No. 29 of 2015.

The provisional anticipatory bail of the petitioner Santosh Kumar will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Considering the present stand of the informant and her husband, let the petitioners of Cr. Misc. No. 52713 of 2015, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail

bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada in connection with Nawada Mahila P.S. Case No. 29 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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