

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39460 of 2016

Arising Out of Complaint Case No. -3220 Year- 2015 Thana -KATIHAR COMPLAINT CASE
District- KATIHAR

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Himanshu Shekhar Bharti @ Himanshu Shekhar Pathak, son of Shri Ram Pathak

.... Petitioner/s

Versus

1. State of Bihar

2. Rita Kumari @ Rita Devi, daughter of Surendra Pandey

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2016

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 being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That it is stated here that the petitioner is willing to keep the complainant as his wife with full honour and dignity."

Though, learned counsel for the petitioner further submits that similar was the stand of the petitioner before the learned court below, but the impugned order reflects that initially the petitioner was ready to keep the complainant as wife with dignity and honour, but on her appearance the petitioner retracted from his initial stand.

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.3220/2015, 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. 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 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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