

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58471 of 2015

Arising Out of PS.Case No. -271 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Madan Sah Son of Chain Sah Resident of Village - Tikaita, P.s.-
Turkaulia, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Kaushalya Devi Wife of Sri Madan Sah and Daughter of Late Badri Sah
Resident of Village - Rulahi Sataisa, P.s.- Motihari Muffasil, District - East
Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv
For the Opposite Party/s : Mr. Jagdhar Pd (App)

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

2 04-01-2016 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 and 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand after about 33 years of the marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A

statement to that effect has been made in para 10 of the petition which reads as follows:-

"That be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon'ble Court to keep his with full dignity and honour, respect and comfort, safety and security."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Motihari, East Champaran in connection with Complaint Case No.271 of 2014, 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

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