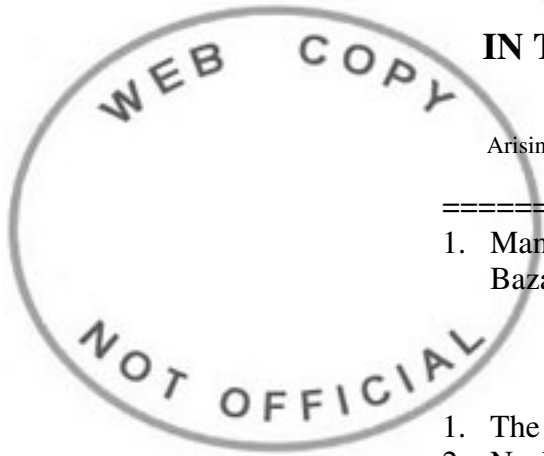




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11216 of 2016

Arising Out of PS.Case No. -1180 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Manohar Prasad Gupta S/o Baiju Prasad Gupta R/o Mohalla- Purani Bazar, Makhan Sah Chauk, P.S.- Town District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neelam Devi D/o Shyam Prasad Gupta, W/o Manohar Prasad Gupta R/o Mohalla- Tilak Maidan, Majlis Sahay Lane, P.S.- Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Opposite Party/s : Mr. Ajay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that though the complaint was filed in 2011 but due to the death of the counsel for the petitioner, the application

with regard to the petitioner could not be processed. The accusation of torture has been levelled after 23 years of marriage. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That petitioner is ready to keep the complainant and his daughter, but it is complainant, who coming and going on its own and lodging case after case”

Considering the present stand of the petitioner, let the petitioner, above named, 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 six months 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, East, Muzaffarpur in connection with Complaint Case No. 1180 of 2011.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant

fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)