

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14001 of 2016

Arising Out of PS.Case No. -727 Year- 2013 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Vijay Mishra, son of Parmatma Mishra, resident of Mohallah-Vishwamitra
Colony, Niranjapur, P.S.-Buxar Industrial, District-Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Abha Devi, wife of Vijay Mishra, daughter of Rabindra Pandey,
presently resident of 43/I, T.H.E.D. Road, P.O. and P.S.-Airport
Kolkata, District-Kolkata(West Bengal)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Hirday Prasad Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016

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 3/4 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 on instruction that 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 8 of the petition which reads as follows:-

“That the petitioner humbly

states and submits that he is ready and willing to keep the complainant as wife with full dignity and honour”

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 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, Buxar in connection with Trial No. 1954 of 2013, arising out of Buxar Complaint Case No. 727(C) of 2013.

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

(Dinesh Kumar Singh, J)

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