

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2776 of 2016

Arising Out of PS.Case No. -845 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Ramesh Mahto

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016

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 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 the dowry demand.

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 9 of the petition
which reads as follows:-

“That the petitioner is ready to keep the

complainant with full honour and dignity.”

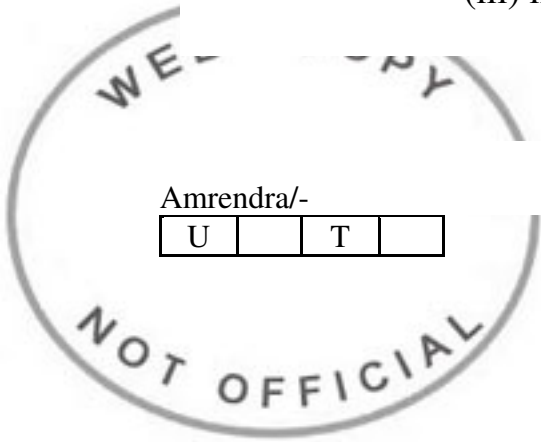
Similar was the stand of the petitioner before the learned court below but it appears from the impugned order that in spite of service of notice, the complainant chose not to appear.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Complaint Case No. C-I/845 of 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)