

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13693 of 2016

Arising Out of Complaint Case No. -1019 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Upendra Pandey, Son of Hanuman Pandey,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushbu Devi @ Rimpi, D/o Jawahar Lal Ojha,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Pandey, Advocate

For the Opposite Party/s : Mr. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-03-2016 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 323, 341, 504, 498A, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, 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 4 of the supplementary affidavit which reads as follows:-

"That, despite of paragraph no.8 of the main petition the petitioner is still ready to keep his wife with full honour and regard according to his capacity."

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, Bhabua in connection with Complaint Case No.1019/2014, 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.

Ashwini/-

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(Dinesh Kumar Singh, J)