

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15387 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -MADHEPUR District- MADHUBANI

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Suresh Nayak @ Suresh Kumar Nayak, son of Sita Ram Nayak, resident of Village & P.S.-Madhepur, District-Madhubani, presently resident of Darbhanga, P.S.-Darbhanga, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari, wife of Suresh Kumar Nayak, daughter of Sri Dilip Kumar Mahto, resident of Village-Tulapatganj, P.S.-Jhanjharpur, District-Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-04-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 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 informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That it is humbly stated that

though informant the wife of the petitioner in

collusion of her parents has cheated him even though he is ready to keep her with due dignity and proper care”

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, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 81 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant 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 informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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