

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32949 of 2016

Arising Out of PS.Case No. -2237 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Jitendra Das, Son of Bahadur Das, resident of Village- Chaita, P.S.-
Angarghat, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mala Devi, Wife of Jitendra Das, D/o- Maheshwar Das, resident of
Village- Madhu Tol, P.S.-Khanpur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak
For the Opposite Party/s : Mr. Smt. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 09-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and

honour. Statement to that effect has been made in paragraph 7 of the petition which read as follows:

“That the petitioner undertakes before this Hon’ble Court that he is always ready to keep the complainant with all respects and dignity if she wants to live with him.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner which gets reflected from the impugned order which reads as follows:

“On notice complainant/wife appeared before the court and on being asked by the court she has voluntarily refused to go with her husband.”

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Samastipur in connection with Complaint Case No. 2237 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the complainant to resume conjugal life. In case she files such application before

the learned court below then the learned court below will issue notice to the petitioner to appear when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Anil/-

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