

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32269 of 2016

Arising Out of PS.Case No. -1507 Year- 2015 Thana -COMPLAINT CASE District- BANKA

Kanchan Kumar Pandit son of Bikram Pandit resident of Village- Basmatta,
P.S. Belhar, District- Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Tulika Devi wife of Sadanand Pandit resident of Village- Tengara, P.S.
Belhar, District- Banka.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016 Heard learned counsel for the parties.

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

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant but the complainant herself deserted the petitioner. The petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 8 of the

petition, which reads as follows:

"That the petitioner happens to be husband of complainant and is ready to keep the complainant with full dignity and honour provided the complainant is willing to live with the petitioner."

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, in the event of his 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 the S.D.J.M., Banka in Complaint Case No. 1507/2015, subject to the conditions as laid down under section 438(2) of the 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 the 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)

Surendra/-

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