

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28496 of 2016

Arising Out of PS.Case No. -1407 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Ajay Kr. Gupta S/O- Late Shiv Shankar Gupta, R/O- Dilarpur, P.S.-
Manihari, Distt- Katihar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi W/O- Ajay Kr. Gupta, D/O- Motilal Sah, R/O- Jainagar, P.S.-
Mansahi, Distt- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-07-2016 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 498A and 323 of the Indian Penal Code.

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 birth of two children but since the petitioner was suffering from the mental trauma hence during that period the complainant deserted the

petitioner. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition relevant portion of the same reads as follows:-

“That.... the petitioner is ready to keep her and children with full dignity and honour which they deserve.”

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 SDJM, Katihar in connection with Complaint Case No. CA 1407 of 2012, 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)

Amrendra/-

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