

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39946 of 2016

Arising Out of PS.Case No. -432 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Dinesh Mahto son of Upendra Mahto Resident of Village-Sapardah, Lali Tola, Ward No. 2, P.S.-Puraini, District-Madhepura Petitioner

Versus

1. The State of Bihar

2. Usha devi Wife of Dinesh Mahto Resident of Village-Sapardah, Lali Tola, Ward No. 2, P.S.-Puraini, District-Madhepura Opposite Parties

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.

For the Opposite Parties : Mr. Uma Shankar Prasad Singh, APP 65

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-09-2016

The petitioner, being the husband of the complainant apprehending arrest in a case registered under Sections 498A/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act

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

The learned counsel for the petitioner submits 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 the aforesaid effect has been made in paragraph no. 14 of the petition, which reads as follows :

“That the petitioner (husband) is ready to keep his wife (complainant) with a commitment to keep her with honour and dignity to provide all basic necessities for livelihood.”

Considering the present stand of the petitioner, above named, he be released on **provisional anticipatory bail for six months** in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail

bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 432 of 2015 to the satisfaction of the Subdivisional Judicial Magistrate, Udakishunganj, Madhepura.

Let the learned Court below issue notice to the complainant and on her appearance the petitioner will take the complainant 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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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