

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40165 of 2016

Arising Out of PS.Case No. -1186 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Naresh Mahto Son ofJamdar Mahto, resident of Village - Pratap Mathiya,
Police Station- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suganti Devi Wife of Naresh Mahto, Daughter of Nagina Mahto, resident
of Village- Gadhwa, Tikuliya Police Station- Paharpur, District- East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016 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 has been taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child and is ready to keep her as wife with full

dignity and honour, statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity as wife.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner 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 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, Sadar, East Champaran at Motihari in connection with Complaint Case No. 1186 of 2015, 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 when the petitioner will take the complainant to her matrimonial house 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 failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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