

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27126 of 2016

Arising Out of PS.Case No. -1703 Year- 2015 Thana –BHABHU (KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Shrikant Bind son of Ram Chandra Bind R/o village Sahuka, P.S. Ramgarh,
District Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar.
2. Pushpa Devi wife of Shrikant Bind D/o Mohan Bind R/o village Sahuka,
P.S. Ramgarh, District Kaimur at Bhabua at present reside at village -
Bhadari, P.S. Chainpur, District Kaimur at Bhabua.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2016 Heard learned counsels for the petitioner and the

State.

Petitioner being the husband of the informant 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 323 and 498A of the Indian Penal Code.

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

Learned counsel for the petitioner submits that the accusation of torture has been levelled after 14 years of the

marriage. The petitioner admits his marriage with the complainant and he is still ready to keep the complainant with full dignity and honour. A statement to that effect has been made in Para-10 of the petition, which reads as follows:-

“That it is categorically stated here that petitioner is ready to keep and maintain the O.P. no.2 with her full dignity and respect.”

It is submitted that petitioner appeared before the learned court below, but despite issuance of notice, the complainant failed to appear.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event 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 Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Trial No. 126/16 arising out of Complaint Case No. 1703 of 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 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)

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