

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28686 of 2016

Arising Out of PS.Case No. -638 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Santosh Modi S/o Kailash Modi, resident of Village- Kukran No.1, Ward No.10, P.S.- Dhamdaha, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Guriya Devi, W/o Santosh Modi, D/o Aom, Prakash Bhagat, resident of Village- Hayatpur, P.S.- Araria (R.S.), District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2016 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, 379, 380, 506 and 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph-8 of the petition which reads as follows :-

“That the petitioner is ready to keep the wife
with all dignity and honour.”

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 Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Araria in connection with Complaint Case
No.638C of 2014, 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 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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