

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31555 of 2016

Arising Out of PS.Case No. -467 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Birendra Paswan, S/o Saini Paswan, resident of village- Parsa Kala, P.S.-
Balua Bazar, District- Supaul

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-07-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 341, 323 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand after more than 10 years of marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and

birth of two children. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

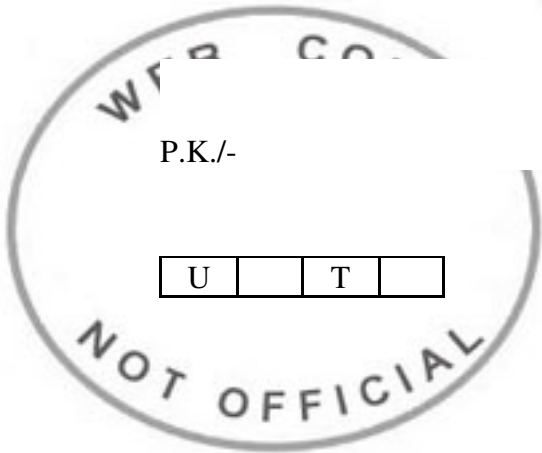
“That it is also humbly submitted that the petitioner has never refused for discharging his duties as husband and is still ready to keep the complainant with full honour and dignity.”

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur, Supaul in connection with Complaint Case No. 467C of 2014, 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 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to

appear before the learned court.



(Dinesh Kumar Singh, J)

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