

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29625 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Amit Malakar @ Amit Kumar, son of late Yadu Nandan Bhagat, resident of
village & P.O. Manjhli Bigha, P.S. Pandarak, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Punam Devi, wife of Amit Malakar, D/o Jalendra Bhagat, resident of
village & P.O. Manjhli Bigha, P.S. Pandarak, District Patna, at present
residing at village & P.O. Nadwan, P.S. Dhanarua, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Bhushan Choudhary

For the Opposite Party/s : Mr. Sri Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 21-07-2016

Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition. The impugned order does not suggest that such stand

was taken by the petitioner before the learned court below. It is further submitted that non-bailable warrant of arrest has been issued against the petitioner.

Considering the present stand of the petitioner, let the abovenamed 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Masaurhi, Patna in Complaint Case No. 160C/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 the 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.

Surendra/-

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(Dinesh Kumar Singh, J)

