

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46309 of 2016

Arising Out of PS.Case No. -1262 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Nandu Mahton

.... Petitioner/s

Versus

1. State of Bihar
2. Babita Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap

For the Opposite Party/s : Mr. Umashankar Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

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. The petitioner was ready to keep the complainant as wife but she has solemnized second marriage with Sikin Mahton alias Sikendar Mahto. A certificate to that effect has been issued by the Grampanchayat Mukhia (Annexure 2). It is further submitted that

the impugned order reflects that the complainant appeared during hearing of bail application of the inlaws where she stated that she is not ready to reside with the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of six 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 SDJM, Khagaria in connection with Complaint Case No. 1262 C of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will issue notice to the complainant and if she admits that she has performed second marriage or she is not ready to reside with the petitioner then the provisional bail will be confirmed by the learned court below. The provisional anticipatory bail will also be confirmed if the complainant accepts the offer of the petitioner to keep her as wife with full dignity and honour.

(Dinesh Kumar Singh, J)

Anil/-

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