

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25307 of 2016

Arising Out of PS.Case No. -1235 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Dhanlal Thakur S/o Sri Birodhi Thakur R/o Village - Gorsara, P.S. -
Ramgarh, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dimpal Devi D/o Satya Narayan Thakur R/o Village - Piyan, P.S. -
Sonhan, District - Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 21-06-2016

Heard learned counsels for the petitioner and the

State.

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 323, 498A/34 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.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is husband of alleged victim Dimpal Devi and is always ready to keep her with full dignity.”

It is further submitted that the petitioner filed Matrimonial Suit No. 157 of 2015 for restitution of conjugal rights.

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 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, Bhabua (Kaimur) in connection with Complaint Case No. 1235 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 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) 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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