

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1491 of 2016

Arising Out of PS.Case No. -1123 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Satendra Kumar Tiwari @ Satendra Kumar @ Satendra Tiwari son of Asarphi Tiwari, resident of village- Barwapatti, P.S.- Barwapatti, District- Kushinagar (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

2. Pushpa Devi wife of Satendra Kumar Tiwari D/o Sheoji Pandey resident of village- Barwapatti, P.S.- Barwapatti, District- Kushinagar (U.P.) At present village Thakaraha, P.S.- Thakaraha, District West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-01-2016 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 of the Indian Penal Code.

The accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner's sister was married with the brother of the complainant. Subsequently the sister of the petitioner died for which Thakraha P.S. Case No.25 of 2013 was registered under

Section 304(B) Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and thereafter the present complaint was filed.

Learned counsel for the petitioner further submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

*“That the petitioner is ready to keep the complainant with him with 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 J.M. 1st Class, Bagaha, West Champaran in connection with Complaint Case No.1123 of 2013, 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 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 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)

Ranjan/-

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