

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8462 of 2016

Complaint Case No.. -211 Year- 2015 Thana -BUXAR COMPLAINT CASE District- BUXAR

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Amrendra Kumar Mishra @ Guddu Son of Nand Kishore Mishra

.... Petitioner/s

Versus

1. The State of Bihar
2. Vevakanand Dubey Son of Late Ram Iqbal Dubey Resident of village -
Dasiyawan, Police Station Nawanagar, District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Pandey, Advocate

For the Opposite Party/s : Mr. R.P.Saran Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2016

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, 323, 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand after six years of marriage.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 55/2015 for restitution of conjugal rights.

It is further submitted that the petitioner is ready to

keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 19 of the petition which reads as follows:-

"19.That the petitioner is a husband of Asha Devi @ Pintu (daughter of the complainant) and he is ready to keep and maintain her with all honour and dignity as per his social and economic status."

Similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner as she was apprehensive of danger to life but the petitioner is still ready to resolve the issue.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Buxar in connection with Complaint Case No.211 C of 2015 , 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)

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