

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44220 of 2016

Arising Out of PS.Case No. -1921 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Amod Kumar son of Srilal Ishwar Sharma Resident of Village-Semra
Nijamat, P.S.-Sahebganj, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Jaya Devi daughter of Bihari Sarma Resident of Village-Shanti Nagar
Bara Chakiya, P.S.- Chakiya, District-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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

2 06-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

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

On instruction it is submitted 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 the

aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security. ”

Statement has been made in paragraph 11 of the petition that the petitioner has not performed second marriage which reads as follows:

“That the petitioner has not performed second marriage.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six month 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 SDJM, East Champaran, Motihari in connection with Complaint Case No. C-1921 of 2014 subject to the conditions as laid down

under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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