

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8929 of 2016

Arising Out of PS.Case No. -1652 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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Hira Lal Pandit, son of Kaleshwar Pandit, resident of Village-Khadoudha,
P.S.-Belhar, District-Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Kadami Devi wife of Hira Lal Pandit, daughter of Maheshwari
Pandit, resident of Village-Kunjalagadi, P.S.-Belhar, District-Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Md.Sufiyan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-02-2016

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

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that 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 17 of the petition which reads as follows:-

“That the petitioner is always
ready/wants to live with the complainant with her
full dignity and honour, but complainant herself is

not willing to go with her husband”

It is further submitted that it is the complainant who deserted the petitioner and petitioner has not performed second marriage.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1652 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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