

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39808 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA

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1. HARICHANDRA KUMAR @ KARU @ HARISHCHANDRA KUMAR, Son of late- Ramswi Prasad, resident of Village- Hajipur Gareriyabigha, P.S.- Warsaliganj, District- Nawada Petitioner

Versus

1. The State of Bihar
2. Vibha Devi wife of Sri Harichandar Kumar @ Karu, resident of Village- Hajipur Gareriyabigha, P.S.- Warsaliganj, District- Nawada
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand, Adv.
For the Opposite Parties : Mr. Shyam Kumar Singh, APP 138

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-09-2016

The petitioner, being the husband of the complainant apprehending arrest in a case registered under Sections 498A and 494 of the Indian Penal Code.

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

The learned counsel for the petitioner submits 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. 13 of the petition, which reads as follows :

“That the petitioner is ready to keep her will full honour and dignity.”

It has, further, been submitted that the petitioner has not solemnized second marriage and statement to that effect has been made in paragraph 12 of the petition, which reads as follows :

“That the petitioner begs to submit that the petitioner has not solemnized marriage with another lady till

today and as such the allegation as made in the complaint petition in this regard is false and concocted.”

Considering the present stand of the petitioner, above named, he 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 six weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 50(C) of 2016 to the satisfaction of the Subdivisional Judicial Magistrate, Barh, Patna.

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 anticipatory 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 and the petitioner has not performed second marriage.

(Dinesh Kumar Singh, J)

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