

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50741 of 2015

Arising Out of PS.Case No. -855 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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SUDHIR RAM @ SUDHIR KUMAR Son of Late Basudeo Ram

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Rani, Daughter of Rajendra Ram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-07-2016

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 Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner was forced to marry with the complainant against which petitioner filed complaint case. The petitioner has also filed Matrimonial Suit No.70/2012 for dissolution of marriage and thereafter the present case has been filed.

This Court vide order dated 03.11.2015 issued notices



to the opposite party no.2. The office note dated 18.03.2016 reflects that ordinary process of notice was validly served on the counsel for opposite party no.2 appearing before the learned Court below but the opposite party no.2 failed to appear on 28.03.2016 when the matter was adjourned for 03.11.2015 but on that also opposite party no.2 failed to appear. Today also none appears on behalf of opposite party no.2.

Considering nature of accusation and filing of matrimonial suit at earlier point of time, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Madhepura, in connection with Complaint Case No.855/2013, 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)

Ashwini/-

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