

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6209 of 2016

Arising Out of PS.Case No. -1828 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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4. Sanjeev Kumar Pandey @ Devbrath Son of Prasanna Kumar Pandey,
R/o Surya Kamalpur, P.S. - Ratua, District - Maldah, West Bengal.
..... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari Pandey, D/o Sri Ghanshyam Pandey, R/o Mohalla -
Adarsh Nagar, Bari Hat, P.S. - Khajanchi Hat (Sahayak), District -
Punrea.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan
For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2016

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 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

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 7 of the petition which reads as follows:-

“That the petitioner is still
ready to keep her with full respect and dignity.”

It is further submitted that petitioner has not performed second marriage. Though statement to that effect has not been made in the petition, but cognizance has also not been taken under Section 494 of the Indian Penal Code.

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 three 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, Purnea in connection with Complaint Case No. 1828 of 2011.

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 one year (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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