

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36568 of 2016

Arising Out of Complaint Case No. -1351 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE
District- GOPALGANJ

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Rupesh Kumar Pandey Son of Subash Pandey

.... Petitioner/s

Versus

1. The State of Bihar
2. Sambhu Nath Tiwary S/o Late Mandav Tiwary

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter 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 Sections 323, 406, 498A/34 of the Indian Penal Code and 3/4 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 admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph

no.7 of the petition which reads as follows:-

"That the petitioner is ready to keep the wife with full dignity and honour...."

It is further submitted that similar was the stand of the petitioner before the learned Court below.

From the impugned order it appears that initially the stand of the petitioner was to keep the complainant as wife with full dignity and honour but when the matter was referred to the mediation centre the petitioner choose not to appear before the mediator which reflects the inconsistent stand of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner 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 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, Gopalganj, in connection with Tr. No.4407/2016 arising out of Complaint Case No.1351/2015, 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)

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