

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33182 of 2016

Arising Out of PS.Case No. -1755 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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Jaynath Pandit, Son of Kaleshwar Pandit, resident of Village Simariya, P.O. Barhar, District- Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Phul Devi Wife of Jaynath Pandit, Daughter of Tripurari Pandit, resident of Village- Simariya, P.O-Barhara, P.S. Belhar, District- Banka, At present resident of Village- Bhanga, P.O.- Pathra, P.S Barahat, District- Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-08-2016 Heard learned counsel for the parties.

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

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 7 of the

petition.

It appears from the impugned order that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner since summons were issued but it is submitted by the learned counsel for the petitioner that vide order dated 5.3.2016 the learned court below has issued non-bailable warrant of arrest against the petitioner. Statement to that effect has been made in paragraph 9 of the petition.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Banka in Complaint Case No. 1755/2014, subject to the conditions as laid down under section 438(2) of the 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 the 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)

Surendra/-

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