

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32329 of 2016

Arising Out of PS.Case No. -2474 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Pradeep Kumar son of Shankar Mandal @ Shankar Gori resident of
Mohalla Gudri Bazar Lane Nath Nagar P.S. Nath Nagar Bhagalpur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

8 15-05-2017 Heard Mr. Vivekanand Singh, learned counsel for
the petitioner, Mr. Subodh Mishra, learned counsel for the
complainant and Mr. J.N. Thakur, learned counsel for the State.

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 Section 498A of the Indian Penal Code
and Section 34 of the Dowry Prohibition Act.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner 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 paragraph 15 of the



petition which reads as follows :

“15. That the petitioner has tried to keep the complainant but she was never ready to live with the petitioner, this fact appears from the fact that the petitioner has already been filed a Matrimonial Case No. 335 of 2014 dated 05.09.2014 registered under Section 9 of the Hindu Marriage Act before the Principal Judge, Bhagalpur for restoration of conjugal right.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both sides agree to appear before learned Court below on 23.05.2017 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the petitioner, named above 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 six 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, Bhagalpur in connection with Complainant Case No. 2474 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 six months or (ii) If the complainant fails to appear before learned Court below or (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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