

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38395 of 2017

Arising Out of PS.Case No. -1907 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Sudhist Narain Tiwary @ Sudish Narain Tiwari, S/o- Late Lalbabu Tiwary,
Resident of Village - Bhawanipur, P.S. - Sangrampur, District - East
Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Anju Devi, W/o Sudhist Narain Tiwary @ Sudish Narain Tiwari,
Resident of Village - Bhawanipur, P.S. - Sangrampur, District - East
Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2017 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 offence punishable under Section 498A of the Indian Penal Code.

It is alleged that after 26 years of marriage, further dowry of Hero Honda motorcycle was demanded and for non-fulfillment of the same, the informant was tortured, assaulted and driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, having no



issue. There is no medical report on record to suggest that the complainant received any injury. The accusation of demand of dowry, after 26 years of marriage appears to be highly improbable. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full love and dignity.”

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 1907 of 2016, 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, when the petitioner will take the complainant to her matrimonial house 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 or (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)

Amrendra/-

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