

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37530 of 2018

Arising Out of PS. Case No.-3 Year-2016 Thana- KHAGARIA COMPALINT CASE District-
Khagaria

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Surati Mahto, Son of Jhunni Mahto, age about 28 years, Village and Post
Dumri P.S. Beldour, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi, D/o Sakaldeo Mahto, R/o Dumri P.S. Beldour, Dist.- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 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
offences punishable under Section 498(A) of the Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the
dowry demand.

It is submitted by learned counsel for the petitioner
that the petitioner admits is married with the complainant on
18.03.2011 and is ready to keep the complainant as wife with
full dignity and honour. A statement to that effect has been made



in paragraph no.6 of the petition which reads as follows:-

“That it has been further submitted that the petitioner is ready to keep his wife with full respect and dignity but it is the complaint who is not ready to live with him.”

Similar was the stand of the petitioner before the learned court below.

Learned APP submits that the accusation is specific against 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 six 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 Sub-Divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 3c of 2016, 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, 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)

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