

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31604 of 2018

Arising Out of PS. Case No.-841 Year-2017 Thana- MUNGER COMPLAINT CASE
District- Munger

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Mahesh Kumar, son of Ram Swarup Prasad Tanti @ Ram Swarup Tanti,
resident of Mohalla- Chhoti Ashikpur, P.S. East Colony, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kanchan Kumari, wife of Mahesh Kumar, resident of Chhoti Ashikpur, P.S. East Colony, District -Munger. D/o Late Bijay Kumar presently residing at Chhoti Keshopur Bamkali, P.S. Jamalpur, District- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Arun Kumar, Advocate
For the Opposite Party/s : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-06-2018 Heard Sri Arun Kumar, learned counsel for the

petitioner, Smt. Sucheta Yadav, learned Additional Public

Prosecutor as well as learned counsel appearing on behalf of

complainant/ opposite party no. 2.

The petitioner/ husband of opposite party no. 2 has
approached this court for grant of bail in the event of his arrest
or surrender in connection with Complaint Case No. 841C of
2017, registered for the offence under Sections 323 , 498A ,
307, 504, 376/511 of the Indian Penal Code, 1860 and Section
4 of the Dowry Prohibition Act, 1961.

At the very outset, learned counsel for the petitioner
submits that petitioner is ready to keep opposite party no. 2 as



wife with full respect and dignity.

Learned counsel for opposite party no. 2 submits that if petitioner is ready to keep her with full respect and dignity as wife, there is no reason to oppose the prayer for anticipatory bail, however, it has been reiterated that while extending the privilege of anticipatory bail this Court may indicate that subsequently, after being enlarged on anticipatory bail, petitioner will not administer any torture to the complainant.

In view of the fact that petitioner has agreed to settle the dispute with the complainant and complainant is also ready for settlement, there is no reason to refuse the prayer for grant of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner - Mahesh Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Munger / concerned court in connection with Complaint Case No. 841C of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

While surrendering before the court below the petitioner is required to appear along with the complainant and



give an undertaking that he will keep the complainant with respect as wife and he shall not administer any torture to the complainant.

It is made clear that if on being released, petitioner deviates from his undertaking, the complainant / opposite party no. 2 would be at liberty to approach this Court by way of filing a mentioning slip, so that, this Court may recall the order for grant of anticipatory bail.

(Rakesh Kumar, J)

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