

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70031 of 2018

Arising Out of PS. Case No.-1380 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sushil Kumar, Son of Surendra Ram, Resident of Village – Saraswati Nagar,
Ringh Bandh, P.S. - Sitamarhi, District – Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gudiya Devi @ Gudiya Kumari @ Simran, Wife of Sushil Kumar, Resident
of Village – Saraswati Nagar, Ringh Bandh, P.S. - Sitamarhi, District –
Sitamarhi , Daughter of Tunna Raut @ Tunna Ram, Resident of Village –
Hardia Tufani Colony, Narkatiyaganj, P.S. - Shikarpur, District – West
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha
For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsels for the petitioner,

complainant 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 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complainant is that
marriage between the petitioner, Sushil Kumar and the
complainant, Gudiya Kumari was performed on 22.04.2013.
But subsequently, torture was inflicted upon her on non-
fulfillment of dowry demand of Rs 1 lakh and ultimaetly, she



was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant having no issue and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.13 of the petition, which reads as follows:-

“13. That despite all, the petitioner is ready to take care of his wife and to keep her with full honour and dignity.”

Lerned counsel for the complainant submits that the complainant accepts the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

Both sides agree to appear before the learned Court below on 13th of December, 2018, 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 parties, let the above named petitioner be released on provisional anticipatory bail for a period of six months 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 **S.D.J.M. Bettiah** in connection with



Complaint Case No. 1380(C) of 2015, subject to the conditions
as laid down under Section 438(2) Cr.P.C.

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)

Deepak/Rahul/-

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