

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37392 of 2018**

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Dinesh Mali, Son of Jagdeo Mali, resident of Village- Parsauni, P.S.-  
Patahi, District East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi, D/o Sri Himanchan Mali, W/o Dinesh Mali, resident of  
Village- Parsauni, P.S.- Patahi, District- East Champaran. At present  
residing at Village- Mahuawa, P.S. Chiraiya, District East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
**ORAL ORDER**

02/ 28-06-2018

Heard learned counsels for the petitioner and

the State.

The 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 Sections 498A, 323 and 379/34 of the Indian Penal Code.

The accusation of torture has been levelled after more than five years of the marriage. It is alleged that initially after the marriage further dowry demand of motorcycle was made and the father of the complainant gave Rs.42,000/- to the accused persons but thereafter the accused persons further



demanded Rs.30,000/- and accused persons ultimately drove out the complainant from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

*“That it is also submitted that the petitioner is ready to keep the complainant with full respect and dignity.”*

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sikrahna at Dhaka, East Champaran in connection with Complaint Case No. C-296 of 2017, 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 and 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 the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

**(Dinesh Kumar Singh, J)**

DKS/-

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