

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4155 of 2019

Arising Out of PS. Case No.-70 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Tuntun Mukhiya, Male, aged about 28 years, Son of Lalan Mukhiya, Resident of Village-Laxminia Sudhrain, P.S-Kusheshwar Sthan, District-Darbhangha

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kavita Divi, Female, aged about 24 years, Daughter of Raj Kumar Mukhiya, Resident of Village-Sethwara, P.S.-K.Sthan, District-Darbhangha

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 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 Sections 323 and 498A of the IPC.

The prosecution case, as per the complaint petition, is to the effect that the marriage of the complainant was performed with the petitioner about three years prior to the lodging of the present case, but subsequent to the marriage, further demand of dowry of Rs. 1 lac was made and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-laws



family members of the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and is ready to keep the complainant as wife with full dignity and honour, though statement to that effect has not been made in the petition. It is further submitted that the petitioner has also filed complaint case being C.R. No. 99 of 2017 against the complainant.

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/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 like amount each to the satisfaction of learned SDJM, Biraul, Darbhanga in connection with C.R. No. 70 of 2017, subject to the condition 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) 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 deliberately gets reluctant to reconcile
the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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