

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14013 of 2019

Arising Out of PS. Case No.-451 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Santosh Kumar @ Munna Yadav Son of Tulsi Yadav Resident of Village-
Jhiphor, P.S,- Audhoura, District- kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gyani Devi @ Kalawati, Devi Wife of Santosh Kumar @ Munna Yadav, D/o
Ramlal Yadav Resident of Village- Jhiphor P.S.- Audhaura, District- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 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 Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner in the year 2009, but subsequent to the marriage, further demand of dowry of a gold chain and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the



complainant by the petitioner and other in-law family members.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows:-

“That the petitioner is husband is ready to keep his wife with full dignity and honour”

Learned APP submits that the thrust of accusation is against the petitioner.

It appears that on assurance of the petitioner that he will keep the complainant as wife with full dignity and honour, he was granted provisional anticipatory bail by learned Court below, vide order dated 23.02.2018, but subsequently, he failed to comply his undertaking given before the learned Court below.

However, learned counsel for the petitioner submits that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

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 CJM, Kaimur at Bhabua in connection with Complaint Case No. 451 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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