

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21076 of 2019**

Arising Out of PS. Case No.-130 Year-2018 Thana- VAISALI COMPLAINT CASE District-  
Vaishali

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DHARMENDRA KUMAR Son of Rajmangal Rai R/o village- Belka, P.S.-  
Vaishali, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Paramshila Devi Wife of Dharmendra Kumar R/o village- Belka, P.S.-  
Vaishali, District- Vaishali at Hajipur. At present Daughter of Ram Naresh  
Rai, Village Pirapur, PS.- Lalganj, District- Vaishali at Hajipur

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Uday Chand Prasad

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

2      12-04-2019                      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 Sections 406 and 498A/34 of the  
  
Indian Penal Code.

The prosecution case as per the complaint petition is  
  
that the complainant Paramsheela Devi's marriage was  
  
performed with the petitioner on 13.05.2015, but subsequent to  
  
the marriage, further dowry demand of a motorcycle was made  
  
and due to non-fulfillment of the same, torture was inflicted by  
  
the petitioner and other in-laws family members. An attempt



was also made to take the life of the informant on 22.10.2017 by causing burn injuries to her.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

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

It is further submitted that the petitioner has also filed Matrimonial Suit No. 373 of 2017 for restitution of conjugal rights on 16.12.2017 which much prior to filing of the complaint petition.

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 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 SDJM, Hajipur, Vaishali in connection with Complaint Case No. 130 of 2018 (Tr. No.3162 of 2018), subject to the



conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. 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 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)**

Ashwini/-

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