

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75559 of 2018

Arising Out of PS. Case No.-1627 Year-2016 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Kamlesh Das S/o Nathuni Das, Resident of Village- Banda Dasaut, P.S.
Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Priyanka Devi, W/o Kamlesh Das, D/o Prem Das, R/o Village- Hichhaul, P.S.-
Ashok Paper Mill, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Satyendra Kumar Srivastava
For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsels for the parties.

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 Section 4 of Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the marriage of the complainant with the petitioner was performed on 25.4.2016 but subsequent to the marriage, further dowry demand of Rupees Two Lacs and a motorcycle was made and for non-fulfillment of the same, torture was inflicted and ultimately the complainant was driven out from the matrimonial



house after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That the petitioner is ready to keep his wife (O.P. No. 2) with all dignity in his house.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Darbhanga in connection with C.R. No. 1627 of 2016 subject to the conditions laid down in Section 438(2) of the 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 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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