

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1121 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Aditya Kumar Upadhyay, Son of Late Ram Sebak Upadhyay Resident of
Mohalla - Nayachak, Ishakchak, Budhiya Kali Asthan, P.S.- Ishakchak,
District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshmi Kumari, D/O - Krishnanad Pandey Resident of Village - Duboli,
P.O.- Ammapali, P.S.- Pirpainti, District- Bhagalpur, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar
For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-02-2020 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 498A of the IPC and Sections 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is to the effect that the complainant was married with the petitioner on 27.02.2016, but subsequent to the marriage, further dowry demand of Rs. 50,000/- was made and due to non-fulfillment of the same, torture was inflicted by all the accused persons



including the petitioner.

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. 5 of the petition, relevant portion of the same reads as follows:-

“5. The petitioner happens to be husband of the complainant and he has always been ready and is still ready to keep the complainant with him with proper respect & care.....”

It is further submitted that similar was the stand of the petitioner before the learned Court below, but the complainant had flatly refused to accept the offer of the petitioner.

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, Bhagalpur in connection with Complaint Case No. 102 of 2019 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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