

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26360 of 2020

Arising Out of PS. Case No.-1164 Year-2018 Thana- COMPLAINT CASE District- Banka

MAHESH KR. @ MAHESH KR. TANTI @ MAHESH TANTI @ MAHESH TANTI Son of Late Rohin Tanti Resident of Village - Balsara, Police Station - Katoriya, District - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rina Kumari W/O Mahesh Kr. @ mahesh Kr. Tanti @ Mahest Tanti @ Mahesh Tanti, D/O Shambhu Tanti R/O Village- Parariya, Police Station - Banka, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 23-03-2021 Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and Mr. Sanjay Kumar Jha, learned counsel appearing for the Opposite Party No. 2.

Petitioner apprehends his arrest in connection with Complaint Case No. C-1164 of 2018 registered for the offence punishable under Section 498A, 323, 504, 379 of the I.P.C. and Section 3 of the Dowry Prohibition Act but cognizance has been taken under Section 498(A) of the I.P.C. and Section 4 of the Dowry Prohibition Act.

The allegation as per the complaint is that marriage of the petitioner was solemnized with Opposite Party No. 2 in the year 2015 and after some time the petitioner and other



family members started demanding dowry and due to non-fulfillment of the same the Opposite Party No. 2 was tortured physically as well as mentally.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he is ready and willing to keep his wife i.e. Opposite Party No. 2 with all care, honour and dignity.

On the other hand, learned counsel appearing for the Opposite Party No. 2 submits that the Opposite Party No. 2 is also ready and willing to live with her husband i.e. the petitioner subject to the condition that the petitioner will not ill treat her in future and also take care of her family members.

In view of the submissions made by the parties and in order to maintain harmony in the family, I am inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner will file a joint affidavit before the learned court below that he has brought his wife back to her matrimonial home and both are living together as husband and wife peacefully.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate / Successor Court, Banka in connection with Complaint Case No. C-1164 of 2018, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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