

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.281 of 2022

Arising Out of PS. Case No.-256 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Kanhai Mali @ Kanhai Malik Son of Late Misri Mali @ Malik R/o Village-
Kuwari Devi Chowk, P.S.- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Devi D/o Awadh Mali R/o Village- Gamahriya, P.S.- Durpa, District-
East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a

complaint case wherein cognizance has been taken for

the offences punishable under Sections 323, 498(A) of

the Indian Penal Code.

The basic accusation is of torture for non-

fulfillment of dowry demand and ousting the complainant

from her matrimonial house.

It is submitted by learned counsel for the



petitioner that a false and concocted story has been created and petitioner has has been implicated in this case. The petitioner is husband of the complainant and he had married with the complainant fifteen years ago. Hence, the provision under Section 498(A) I.P.C shall not be attracted. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 256 of 2019, Trial No. 1805 of 2020, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

If the complainant wishes to reside with the petitioner, she will file a petition to that effect before learned Court below. On receiving such a petition, the learned Court below will issue notice to the petitioner when the petitioner will be under an obligation to comply the undertaking given before this Court to keep the complainant as wife with full dignity and honour.

(Sunil Kumar Panwar, J)

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