

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40297 of 2015

Arising Out of PS.Case No. -496 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Madan Kumar Gupta Son of Yamuna Sah resident of village - Sonpa,
P.S. Rajpur, Distt. - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Nisha Gupta Wife of Madan Kumar Gupta, D/o Gajadhar Sah resident
of village - Adarsh Nagar, P.O. Gajadhar Ganj, P.S. Buxar, Distt. -
Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein
processes were directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfilment of dowry demand.

On instructions, it is submitted by learned
counsel for the petitioner that petitioner admits his marriage
with the complainant and has filed Matrimonial Suit No. 53 of
2015 for restitution of conjugal life. Moreover the petitioner is
ready to keep the complainant as wife with full dignity and
honour. A statement to that effect has been made in para 11 of
the petition which reads as follows:-

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

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 12 weeks from today, be released on provisional anticipatory bail for one year, 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, Buxar in connection with Complaint Case No. 496(C) of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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