

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11538 of 2015

Arising Out of PS.Case No. -1087 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Shanti Devi wife of Shaileshwar Singh
2. Bal Shankar Bhushan son of Shaileshwar Singh, both resident of village-
Farheda, P.S.- Rupou, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Beauty Kumari, wife of Bal Shankar Bhushan, resident of village-
Bhattachadh, P.S.- Roh, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-03-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 2 being the husband of the complainant and petitioner no. 1 being mother of petitioner no. 2 are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner no. 2 filed a case for restitution of conjugal rights at earlier point of time

and he is still ready to keep the complainant as wife with full dignity and honour though specific statement to the aforesaid effect has not been made in the petition.

Considering the present stand of the petitioner no. 2, let the above named petitioner no. 2 be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Nawada in connection with Complaint Case No. 1087 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner no. 2 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.

Considering the stand of petitioner no. 2, let the above named petitioner no. 1 be released on anticipatory bail in the event

of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nawada in connection with the aforementioned complaint case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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