

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13502 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Rajesh Kumar Son of Nandlal Sao Resident of Village - Pasralla, P.S. -
Rajauli, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Devi daughter of Basant Sao resident of village Barahi Bigha (Nala Road), P.S. - Hisua, District - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Madhurilata (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 14-09-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for demand of dowry.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:- **“That it is submitted that being the husband the petitioner want to keep the complainant with full dignity and honour.”**

Though, the matter was referred to the Mediation Centre on the joint prayer of the parties, but the report of the Mediator dated 17.07.2015 reflects that the issue could not be reconciled through the process of mediation.

It is submitted by learned counsel for the complainant that the complainant took similar stand before the learned court below but the petitioner did not keep the complainant with dignity and driven her out from the matrimonial house and during mediation also the petitioner has not appeared on two occasions. Today also the petitioner is not present, though, the complainant is present and the complainant is ready to resume the conjugal life.

Both the sides agree to appear before the learned court below on 28th of September, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let

the above named petitioner be released on anticipatory bail provisionally for four months in the event of his arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 23 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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