

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17609 of 2015

Arising Out of PS.Case No. -4204 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Nagendra Sah S/o Shiv Sah R/o vill. - Amritpur, P.S. Vaishali, Distt. -
Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/o Nagendra Sah, D/o Dharamnath Sah At Present R/o
Vill. - Kartahan, P.S. Kartahan, Distt. - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 18-05-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is 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. The factum of marriage between the petitioner and the complainant is admitted.

On instructions, it is submitted that the petitioner

is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition, the relevant portion of which reads as follows:

“That the petitioner is the husband of the complainant and he is still ready to keep his wife

Considering the present stand of the petitioner, let the above named petitioner 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 Vaishali at Hajipur in connection with Complaint Case No. 4204 of 2013 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 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.

(Dinesh Kumar Singh, J)

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