

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24803 of 2015

Arising Out of PS.Case No. -27612 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Pawan Kumar @ Pawan Kumar Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2015

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 process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand. The factum of marriage between the petitioner and the complainant having no issue is admitted fact.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour and also filed Matrimonial Case No. 175 of 2014 for restitution of conjugal life. A statement to that effect has been made in para 8 of the petition which reads as

follows:-

“That the petitioner being the husband of the complainant is always ready to keep her with full dignity and honour and for which he has fled a matrimonial case being no. 175/2014 U/S 9 of the Hindu Marriage Act before the court of learned Principal Judge, Family Court, Samastipur.”

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 3rd of August, 2014 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 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Patna in connection with Complaint Case No. 27612C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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