

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36727 of 2015

Arising Out of Complaint Case No. -842 Year- 2014 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

Sanjay Sah @ Sanjay Kumar S/o Shambhu Sah

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi W/o Sanjay Sah, C/o Chulhai Sah

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manas Prakash, Advocate
For the Opposite Party/s : Mr. Anuradha Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015

Heard learned counsels for the petitioner and the State.

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

The accusation is of torture for non-fulfillment of the dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner has filed Matrimonial Case No. 9 of 2015 for restitution of conjugal rights. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That it is further humbly submitted that petitioner is willing and ready to keep the O.P. No.2 with full dignity and honour which a legally wedded wife deserves..."

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 ₹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.842 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 for her appearance. 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 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)

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