

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36795 of 2015

Arising Out of Complaint Case No. -11 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Pintu Thakur Son of Sri Kulo Thakur

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi Daughter of Sri Umash Thakur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-08-2015

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 495 and 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing marriage prior to marriage with the complainant.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of earlier marriage. Though, statement to that effect has not been made in the petition. On instruction, learned counsel for the petitioner

further submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"11. That the petitioner is ready to keep her with full honour and dignity."

A statement has been made at paragraph 9 of the petition that the petitioner filed Matrimonial Case No. 53 of 2015 for restitution of conjugal rights.

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 Judicial Magistrate, 2nd Class, Purnea in connection with Complaint Case No.11 of 2015, 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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