

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47403 of 2014

Arising Out of PS.Case No. -3292 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Karan Kumar @ Kare Nishad @ Kare Mandal Son of Shri Shankar Nishad @ Shankar Mandal Resident of Village - Bahadurpur, P.S. - Gogri, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rukmani Devi Wife of Shri Karan Kumar @ Kare Nishad @ Kare Mandal D/o Shri Chaturi Sahani Resident of Village + P.O. + P.S. - Rupauli, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-02-2015 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.

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. 6 of the petition which reads as follows:

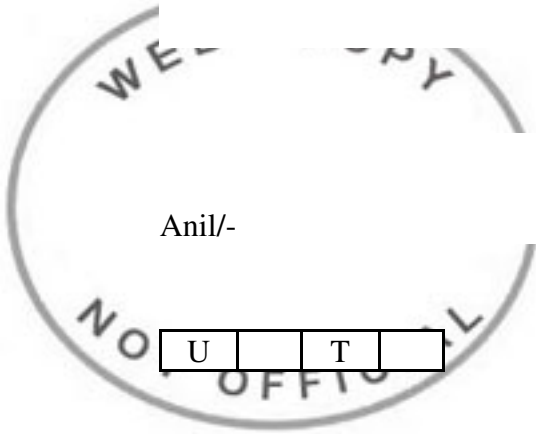
“That it is relevant to mention here that the petitioner is still ready to keep his wife with full dignity and this connection the petitioner filed a petition under section 9 of the Hindu Marriage Act for restitution of conjugal life bearing matrimonial case no. 78 of 2011 and notice has been issued on 18.12.12 to the O.P. No. 2. but she was knowingly not appeared in this case.”

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 Purnea in connection with Complaint Case No. 3292 of 2011 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)