

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50570 of 2014

Arising Out of PS.Case No. -17 Year- 2014 Thana -MAHILA PS District- BUXAR

=====

1. Santosh Kumar Upadhyay s/o Kanhaiya Upadhyay R/o Village -
Gahamar, P.S. - Gahamar, District - Gajipur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bhairavi Upadhyay D/o Late Narbadeshwar Upadhyay R/o Village -
Parasiyan, P.S. - Buxar, District - Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit(APP)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2015 Heard learned counsel for the petitioner, for the
informant and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323/34 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.

On instruction it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-7 of the petition. The

petitioner has also filed a restitution petition at earlier point of time.

It is submitted by the learned counsel for the informant that earlier on the issue of reconciliation, the arrogant attitude of the petitioner, informant could not live for long with the petitioner which have also been recorded by the learned Sessions Judge. The informant is ready to accept the offer of the petitioner.

Both the sides agree to appear before the learned court below on 2nd of March, 2015 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 six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Buxar in connection with Buxar Mahila P.S. Case No. 17 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within six months by the learned court below in three eventualities:- (i) on substantial restoration of the

matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

It is made clear that this Court is providing last chance to the petitioner to show his bona fide.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--