

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33001 of 2014

Arising Out of PS.Case No. -2631 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Amardip Kumar, Son of late Pahar Das, Resident of village – Godargama,
P.S. Matihani, District – Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragini Kumari W/o Amardip Kumar, Resident of village – Godargama,
Azad Chowk Tola – Rampur, P.S. Matihani, District – Begusarai, at
present D/o Asharfi Das, Resident of village – Rani, P.S. Bachwara,
District – Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Nagendra Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 21-04-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A, 323,
379/34 of the Indian Penal Code and 4 of Dowry Prohibition Act.

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

The factum of marriage between the petitioner
and the complainant and birth of a female child are admitted facts.



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 has not performed second marriage. Statement to that effect has been made in para 12 and 2 of the petition and supplementary affidavit, which reads as follows:- **“That the husband of the so-called victim/complainant is always ready to keep her wife (the complainant) along with her infant baby if she leaves dancing and attend orchestra party with respect. That, it is stated that Opp. Party No. 2 is the only legal wedded wife of the petitioner and petitioner has not married elsewhere.”**

It is submitted by learned counsel for the petitioner that only point of issue is that the complainant works in an orchestra party.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and will try to avoid orchestra party.

Both sides agree to appear before the learned court below on 4th of May, 2015 when the petitioner will take the complainant and the child to keep them with dignity and honour.

The complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 15th of April, 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 one year 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, Begusarai in connection with Complaint Case No. 2631/C of 2012, 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 one year 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.

(Dinesh Kumar Singh, J)

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