

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30257 of 2015

Arising Out of PS.Case No. -2042 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Raj Kishore Prasad, son of late Sidheshwar Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-07-2015

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, 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner has not performed second marriage. However, on instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statements to that effect has been made in para nos. 14 and 15 of the petition which read as follows:-

"14. That the petitioner has not

married again with another girl.

15. That the petitioner is ready to keep the complainant with full dignity, honour, love and affection."

It is further submitted that the petitioner filed Matrimonial Suit No.20 of 2010 for dissolution of marriage since the complainant deserted her at earlier point of time, thereafter, the present case has been filed. The petitioner undertakes to withdraw the aforesaid matrimonial suit.

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 Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No.2042 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 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.

Ashwini/-

(Dinesh Kumar Singh, J)

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