

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15331 of 2014

Arising Out of PS.Case No. -1355 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

Kumar Gaurav @ Pankaj Son Of Sri Rajendra Prasad Modi, Resident Of
Village- Gidhaur, P.S.- Gidhaur, District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ankita Devi Wife Of Kumar Pankaj @ Kumar Gaurav And D/O Ashok
Modi, Resident Of Village + P.O.- Gidhaur, P.S.- Gidhaur, District-
Jamui, Now Residing At Villae- Dhanberia, P.S.- Khaira, Distt.- Jamui

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Anita Kumari (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 07-08-2015

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
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A, 323 of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The marriage between the petitioner and the complainant having no issue is admitted fact.

It is submitted by learned counsel for the petitioner that the Matrimonial Case No. 39 of 2012 filed for restitution of conjugal right was disposed of on the basis of compromise vide order dated 06.11.2012 and during the pendency of the restitution case complainant filed Sahebganj Mahila P.S. Case No. 08 of 2012 on 24.06.2012 making accusation under Section 498A of the IPC and 3/4 of Dowry Prohibition Act. The present complaint was also filed on 28.08.2012 prior to the order being passed in matrimonial case. But in spite of above facts petitioner is still ready to keep the complainant as wife with full dignity and honour. Though, no statement to that effect has been made in the petition.

Counsel for the complainant, on instruction, submits that the complainant is ready to resume the conjugal life.

Counsel for the complainant further submits that the complainant will file application for withdrawal/compromise of Sahebganj Mahila P.S. Case No. 08 of 2012 within a period of one month.

The petitioner is on interim bail in Sahebganj Mahila P.S. Case No. 08 of 2012 granted by a Bench of Jharkhand

High Court vide order dated 17.05.2013 passed in A.B.A. No. 1945 of 2013. It is submitted that the said order has not been modified till date.

Both sides agree to appear before the learned court below on 24th of August, 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, Jamui in connection with Complaint Case No. 1355C 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.

Both sides agree to file appropriate application of

compromise/settlement of issue before the learned court below on restoration of matrimonial harmony and the learned court below will dispose of the same in accordance with law.

(Dinesh Kumar Singh, J)

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