

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23115 of 2015

Arising Out of PS.Case No. -301 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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1. Shyam Sah @ Shyam Kumar Sah S/o Late Ghoghan Sah Resident of Village Tekuna, Ward No. 7, Pratapganj Suriyari, At + P.S. Pratapganj, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar & Anr null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2015 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 Sections 498A,323,341 and 379 of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner has filed Matrimonial Case No. 100 of 2014 for restitution of conjugal rights on 6.9.2014

and the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition, the relevant portion of which reads as follows:

“.....He is ready to keep the complainant with all due respect and dignity.”

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 Birpur, Supaul in connection with Complaint Case No. 301C of 2014 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)

Anil/-

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