

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44381 of 2015

Arising Out of PS.Case No. -836 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Amit Kumar Sinha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2015

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

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Suit no. 50 of 2013 for restitution of conjugal life and the petitioner is also making payment of maintenance amount of ₹3,000/- per month to the complainant in pursuance to the order passed in Maintenance Case No. 119 of 2013. The

petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 15 of the petition which reads as follows:-

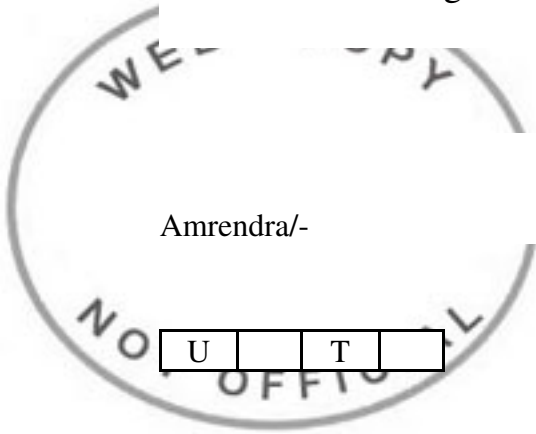
“That the petitioner is always will and ready to keep the complainant with him and continue all domestic relations with her.”

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 SDJM, Aurangabad in connection with Complaint Case No. 836 of 2013, 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.



(Dinesh Kumar Singh, J)