

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57143 of 2015

Arising Out of PS.Case No. -751 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Anirudh Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ram Sumiran Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015

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 Sections 498A, 323, 504 and 341 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic 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 and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is unfortunate husband of the informant and always ready to keep the informant with full owner and dignity.”

It is further submitted that the petitioner took similar stand before the learned court below but the complainant refused to accept the offer of the petitioner.

Learned counsel for the complainant submits that the petitioner has performed second marriage, though, learned counsel for the petitioner submits that the petitioner has not performed second marriage, statement to that effect has not been made in the petition.

Learned counsel for the complainant, on instruction, submits that if the petitioner has not performed second marriage then complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 15th of January, 2016 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 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, Sadar, Sitamarhi in connection with Complaint Case No. C1/751 of 2015, subject to the conditions as laid down under

Section 438(2) Cr.P.C.

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. The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage and in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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