

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44996 of 2014

Arising Out of PS.Case No. -1198 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Sanjay Prasad son of Late Ram Ekbal Prasad, Resident of Village-
Pahsaul, P.S.- Katra, District- Muzaffarpur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi wife of Sanjay Kumar, Daughter of Raj Nandan Sahu,
Resident of Village + P.S.- Ghorasahan, District- East Champaran. (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

6 11-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the daughter
of the complainant is apprehending his arrest in a complaint
case in which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 406, 494 of the Indian Penal Code.

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

It is submitted by the learned counsel for the
petitioner that daughter of the complainant is mentally
abused and with her consent second marriage was performed
and children are residing with him.



Notices were issued to the opposite party no. 2 vide order dated 18.12.2014, but the petitioner allowed the application to be dismissed for non compliance of the peremptory order for submitting the requisite for issuing the notice to opposite party no. 2. Subsequently, the restoration application was filed vide Cr. Misc. No. 56746 of 2015 on 14.12.2015 and the present Cr. Misc. No. 44996 of 2014 was restored vide order dated 16.12.2015, after restoration of application the fresh notices were issued.

In view of the office notes dated 16.03.2016, opposite party no. 2 personally received the notice, but refused to give the receipt, it was treated to be deemed valid service vide order dated 17.03.2016.

None is appearing on behalf of opposite party no. 2.

It is submitted by the learned counsel for the petitioner that petitioner is still ready to keep the daughter of the complainant as wife with full dignity and honour. Statement to that effect has been made in para-14 of the petition which reads as follows:-

“That the petitioner is husband of the complainant’s daughter and petitioner is ready to keep and maintain the complainant’s daughter as his wife with full respect and dignity.”

In view of the above stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four month 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 like amount each to the satisfaction of learned Sri S.K. Mishra, J.M., Sikrahna, East Champaran at Motihari, in connection with Complaint Case No. 1198 of 2012, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The provisional bail of the petitioner will be confirmed within four months 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.

(Dinesh Kumar Singh, J)

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