

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44278 of 2014

Arising Out of PS.Case No. -620 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Raj Kumar Chauhan Son of Ram Narayan Chauhan Resident of village-
Koirpatti, Police Station- Thakraha, District- West Champaran (Bettiah)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushma Devi Wife of Raj Kumar Chauhan, daughter of Nathu Chauhan
Resident of village- Koirpatti, Police Station- Thakraha, District- West
Champaran (Bettiah) At Present residnet of village- Barhara, Police
Station- Gopalpur, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 20-03-2015

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 in
which processes have been directed to be issued after cognizance
being taken for the offences punishable under Sections 498A, 406
of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

On submission of learned counsel for the
petitioner that the petitioner is ready to keep the complainant as



wife with full dignity and honour. Statement to that effect has been made in para 11 of the petition, which reads as follows:- **“That the petitioner is still ready to keep the complainant as a wife full honour and dignity. But in the past she never co-operated whole heartedly. This only led to their bitterness between the parties.”** In pursuance to the same the notices were issued to the complainant-opposite party no. 2 vide order dated 16.12.2014. The notices were served on the lawyer appearing for the complainant before the learned court below, but none is appearing on behalf of the complainant-opposite party.

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 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, Gopalganj in connection with Complaint Case No. 620 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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.

(Dinesh Kumar Singh, J)

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