

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44472 of 2014

Arising Out of PS.Case No. -857 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

Neeraj Kumar Son of Gyaneshwar Das R/o Village Husainganj, P.O. Barh,
P.S. Barh, District Patna Petitioner

Versus

1. The State of Bihar
2. Rekha Kumari D/o Vijay Das, Village – Charuara, P.O. Cheru, P.S.
Harnaut, District – Nalanda.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 23-03-2015

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 wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Sections 341, 323, 379,
498A 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.

Notices were issued to the complainant-O.P. No.

2 vide order dated 16.12.2014 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 his wife with full love and dignity.”**

The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

The complainant is ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

It is agreed that both sides shall appear before the learned court below on 22nd of May, 2015 when the petitioner will take the complainant and the child to keep them with 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 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, Nalanda at Bihar Sharif in

connection with Complaint Case No. 857C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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