

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52496 of 2015

Arising Out of PS.Case No. -688 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Rajendra Sah son of Gopi Chand Sah
2. Gopi Chand Sah, son of Late Bishun Sah
3. Paspati Devi wife of Gopi Chand Sah
All resident of Village-Haluar Pipra, P.S.-Sidhwaliya, District-
Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2015 Petitioner No. 1 being husband of the complainant and petitioner Nos. 2 and 3 being parents of petitioner No. 1 are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 406, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

On instructions, it is submitted by learned counsel for the petitioners that petitioner No. 1 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 9 of the petition which

reads as follows:-

“That the petitioner No. 1 is still ready to keep the victim as a wife with full honour and dignity.”

Considering the present stand of the petitioner No. 1, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond 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. 688 of 2013, Trial No. 4416 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner No. 1 will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner No. 1 will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Considering the present stand of petitioner

No. 1, let the petitioner Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 688 of 2013, Trial No. 4416 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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