

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13169 of 2015

Arising Out of PS.Case No. -25837 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Anjani Kumar Son of Sri Arun Kumar

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Ritu Kumari, wife of Anjani Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-03-2015

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 406, 498A 120B/34 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The marriage between the petitioner and the
complainant is admitted.

On instruction, learned counsel for the petitioner
submits that the petitioner 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:-

"9. That the petitioner is still ready to keep the complainant as wife with full dignity and honour....."

It is further submitted by learned counsel for the complainant that the impugned order reflects that the petitioner was not ready to reconcile the issue and the petitioner has filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the learned Court below but in that case he is not appearing. Learned counsel for the complainant further submits that the complainant accepts the offer of the petitioner.

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 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 Chief Judicial Magistrate, Patna in connection with Complaint Case No.25837 C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides agree to appear before the learned court below on 20th April 2015 when 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 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.

(Dinesh Kumar Singh, J)

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