

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16872 of 2016

Arising Out of Complaint Case No. -685 Year- 2013 Thana -MADHUBANI COMPLAINT CASE
District- MADHUBANI

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Satish Kumar Sah Son of Baidh Nath Sah

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, Wife of Satish Kumar Sah,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nazir Ansari, Advocate

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner the anticipatory bail application of the petitioner was disposed of by the learned Sessions Judge since only summons were issued but now non-bailable warrant of arrest has also been issued. A statement to that effect has been made in paragraph in paragraph 2 of the supplementary affidavit filed by the

petitioner on 13.05.2016, which reads as :-

".....It is stated that warrant of non-bailable has already been issued by the learned SDJM Jhanjharpur in Trial No.2456/2015 on 28.11.2015."

It is further submitted that the petitioner is ready to keep the complainant as wife with full honour and dignity. A statement to that effect has been made in paragraph 2 of the 2nd supplementary affidavit filed by the petitioner on 16.05.2016, which reads as under :

"That furtherance of the statement made in the main application and 2nd supplementary affidavit, it is stated that the petitioner is always and is still ready to keep the victim (complainant) lady as wife with full respect and dignity, if she desires."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 ACJM, Jhanjharpur, in connection with Complaint Case No.685/2013, subject to the conditions as laid down under Section

438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 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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