

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3119 of 2016

Complaint Case No.. -600 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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RAVINDRA KUMAR JHA @ RAVINDRA JHA Son of Tantra Nath Jah

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Jha Daughter of Bhagwan Ji Jha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2016

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 and 380/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"11. That the petitioner is ready to keep his wife with all respect."

A further statement has been made in paragraph 10 of the petition that the petitioner has filed Matrimonial Case No.162/2014 for restitution of conjugal rights.

Though the learned Sessions Judge dismissed the application on the ground that only summons have been issued when supplementary affidavit has been filed to the effect that non-bailable warrant of arrest has been issued against the petitioner. Statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows :-

"2. That in this case non bailable warrant of arrest has been issued against the petitioner."

Considering the present stage of the matter and 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 SDJM, Madhubani in connection with C.R. Case No.600/2014, 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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