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# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Criminal Miscellaneous No.7666 of 2016**

Arising Out of PS.Case No. -1241 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Vijay Jaiswal @ Vijay Kumar Jaiswal, son of Raj Kumar Jaiswal, Resident of Village- Parvati Hata, Bhatta Bazar, Purnea, P.S.- K.Hat, Dist- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Prity Jaiswal, wife of Vijay Jaiswal, Resident of Village- Parvati Hata, Bhatta Bazar, Purnea.

.... .... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Sakir Ahmad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2 22-02-2016 The present application has been listed under the heading “To be mentioned” at the instance of the learned counsel for the complainant. Though the matter was heard and disposed of on 18.02.2016 but it has not been pronounced as yet.

Heard learned counsels for the petitioner, complainant and the State.

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section ¾ of the Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant. The petitioner has filed Matrimonial Suit No. 16 of 2015 for restitution of conjugal right and is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as follows:-

> "That in spite of all these happenings the petitioner is still ready to resume the conjugal life and to keep the complainant with all honour, affection and dignity and same pleading has been advanced before the learned Court below."

It is submitted by learned counsel for the complainant that though the complainant/O.P. No. 2 has taken a plea in the matrimonial suit that she wants to take divorce with the petitioner but now complainant is ready to resume the conjugal life. Though no affidavit to that effect has been filed.

Both sides agree to appear before learned Court below on 4th of March, 2016, when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, 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 six

months 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, Araria in connection with Complaint Case No. 1241C of 2015.

The provisional anticipatory bail of the petitioner 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.

**(Dinesh Kumar Singh, J)**

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