

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11366 of 2016

Arising Out of PS.Case No. -824 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Kundan Jaiswal S/o - Suresh Jaiswal R/o Rangra, P.S. - Gopalpur (Rangra
O.P.), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gunjan Devi W/o - Kundan Jaiswal R/o - Vill. Jhagruchak, P.S. - Falka,
District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 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 Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Case No. 246 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 10 of the petition which reads as follows:-

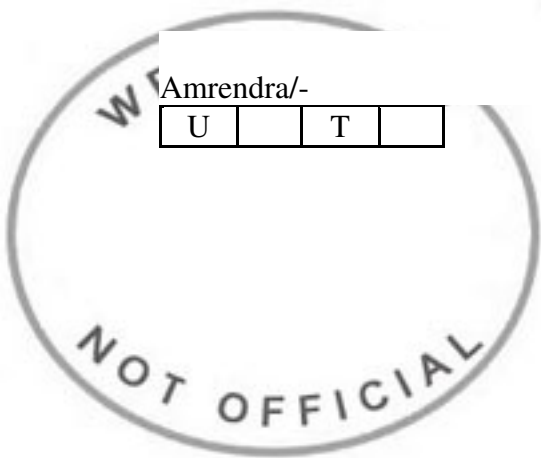
“That it is humbly submitted and stated here that the petitioner is ready to keep his wife (complainant) with full dignity and honour of his society.”

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 SDJM, Katihar in connection with complaint Case No. C.A. 824 of 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.



Amrendra/-

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(Dinesh Kumar Singh, J)