

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10619 of 2016

Arising Out of PS.Case No. -157 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Nawmi Gupta Son of late Khedu Gupta Resident of Village -Dakahi
Police Station Gopalpur District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shanti Devi Wife of Nawmi Gupta Resident of Village-Dakahi Police
Station Gopalpur District West champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra (App)

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

2 10-03-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 494 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and performing second marriage after 12 years of marriage.

It is submitted by learned counsel for the petitioner that in the complaint there is no accusation with regard to



performing second marriage. The petitioner has not performed second marriage and statement to that effect has not been made in the petition. The only accusation is of torture for non fulfillment of dowry demand, but mechanically order of cognizance has been passed under Section 494 of the Indian Penal Code. It is further submitted that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

“That the petitioner is husband and he is ready to keep the complainant/opposite party no. 2 with full respect and dignity.”

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 157C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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