

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14088 of 2016

Arising Out of PS.Case No. -1264 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Nageshwer Sah Son of Jaikant Sah, resident of Village- Garokhar Tole
Satlakha, P.S.- Rahika District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. Kiran Devi Daughter of Laxmi Sah, resident of Izarapatti, P.S.- Rahika,
District- Madhubani.

.... Opposite Parties

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Appearance :

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

For the Opposite Parties : Mr. Sanjay Kr.Tiwary 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016 Heard learned counsel 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 341, 323, 498(A) and 379 of the Indian Penal Code and Sections 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 10 and 11 of the petition which reads as follows:

“10. That petitioner is husband of the opposite party no. 2 and he is ready to keep his wife with all respect.

11. That in this case non bailable warrant of Arrest has been issued against the petitioner.”

Considering 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Madhubani in connection with C.R. Case No. 1264 of 2014, 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 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.)