

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14762 of 2016

Arising Out of PS.Case No. -1290 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Raju Kamti, son of Sita Ram Kamti

.... Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi, wife of Raju Kamti

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-04-2016 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 Sections 323, 379, 498A, 504 of the Indian Penal Code and Section 3/4 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 and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner being the husband of O.P. No. 2 is always ready to keep her with full dignity”

It is further submitted that similar was the stand of the petitioner before learned Court below but in spite of valid service of notice the complainant did not appear.

Considering the present stand of the petitioner, 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 one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Complaint Case No. 1290 of 2013, Trial No. 1993 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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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