

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18154 of 2016

Arising Out of Complaint Case No.. -1542 Year- 2014 Thana -BUXAR COMPLAINT CASE
District- BUXAR

=====

Ajeet Kumar Pathak, son of Gajanand Pathak

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2016

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 Sections 498A/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand. It is also alleged that earlier a case with similar accusation was filed at Jaipur, which ended into compromise with assurance to keep the complainant with dignity.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children out of the wedlock. The petitioner is ready to keep the complainant as wife with full

dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That the petitioner is still ready to keep his wife (complainant) with him."

It is further submitted that the petitioner filed a Matrimonial Suit with a prayer for divorce but he is ready to withdraw the same. Though, neither any statement to that effect has been made in the petition nor number of matrimonial suit has been furnished.

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, Buxar, in connection with Complaint Case No.1542 C/ 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.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--