

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23069 of 2016

Arising Out of PS.Case No. -317 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Sunil Ram son of Rameshwar Ram.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016

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 3/4 of the Dowry Prohibition Act.

The basic 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 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 though the husband of the complainant and still he is ready to keep her with full dignity and respect.”

It is further submitted that similar was the stand of the petitioner before the learned court below but it appears from paragraph no.6 of the impugned order that the petitioner is not ready to keep the complainant as wife which reads as follows:-

“The petitioner has stated that he is ready to keep his wife, but from his conduct, it appears that he is not serious to keep his wife.”

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, Pupari, Sitamarhi in connection with Complaint Case No. C/1 317 of 2015, 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)

Amrendra/-

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