

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22508 of 2016

Arising Out of PS.Case No. -2460 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Dr. Shakti Prakash Gawaskar son of Bhagwat Prasad Mehta.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2016

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 Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The 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 8 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and security.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant refused even to talk to the petitioner which also gets reflected from the impugned order which reads as follows:-

“The record shows that the complainant appeared before the court by filing vakalatnama and attendance on previous date but on question being asked she said that she is not ready to talk with the petitioner husband for conciliation. Thereafter, the parties requested the court to dispose of the applications on merit.”

It is further submitted that petitioner has also filed Matrimonial Suit No. 11 of 2016 for restitution of conjugal right.

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 bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Complaint Case No. 2460 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 and make afresh effort to get the

issue reconciled.

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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