

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26074 of 2016

Arising Out of PS.Case No. -1973 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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Birju Ramani @ Birju Rawani S/o Umesh Rawani Resident of Village-
Manikpur, P.S.- Jasidih, District- Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Geeta Devi W/o Birju Ramani R/o Village- Manikpur, P.S.- Jasidih,
Distt- Deoghar, At present D/o Lakhan Ramani, resident of Village- Heth
Tola Chandan, P.S.- Chandan, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Sri Parmanand Prasad(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-08-2016 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 cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant/O.P. No.2 with full dignity and honour....”

It is further submitted that the petitioner filed Matrimonial Suit No. 67 of 2014 for restitution of conjugal right wherein notices were issued on 10.09.2014 and after receiving notice, the present complaint was filed on 26.11.2014 by the complainant. The petitioner took the same stand of keeping the complainant as wife with full dignity and honour before learned court below which also gets reflected from the impugned order.

It is submitted by learned counsel for the complainant that the impugned order reflects that due to negative approach of the petitioner, the reconciliation failed, however, the complainant is ready to reside with the petitioner.

Both sides agree to appear before the learned court below on 10th of August, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Banka in connection with Complaint Case No. 1973 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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