

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37980 of 2016

Arising Out of PS.Case No. -1288 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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1. SUDHIR SINGH @ SUDHIR KUMAR SINGH S/o Rajeshwar Singh
Resident of Village- Bhemad (Musepur), P.S. & District- Jehanabad.
Presently Residing at Village- Jaitia, P.S.- Chekri, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi W/o Sudhir Singh Resident of Village- Bhemad (Musepur),
P.S. & District- Jehanabad. Presently Residing at Village- Jaitia, P.S.-
Chekri, District- Gaya.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 04-10-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being 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.

The complainant was married with the petitioner in 1988 and subsequently the complainant gave birth of two female child. Earlier also Jehanabad P.S. Case No. 166 of 2000



was registered with accusation under Section 498A of the Indian Penal Code by the complainant, but the said case ended into compromise on undertaking of the petitioner that he will maintain the complainant. The present complaint was filed in 2013, but subsequently the order of cognizance was challenged by the petitioner vide Cr. Misc. No. 46646 of 2014 wherein the stay was operating, but ultimately the quashing application was dismissed vide order dated 07.04.2016 by a Co-ordinate bench of this Court, thereafter the present complaint petition has been filed. Statement to that effect has been made in para-13 of the petition.

It is submitted by the learned counsel for the petitioner that petitioner is ready to maintain the complainant and children with due dignity and honour. Though, specific statement to that effect has not been made in the petition.

It is submitted by the learned counsel for the complainant that complainant accepted the offer of the petitioner, but she is apprehensive due to past conduct of the petitioner.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount

each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 1288 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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