

Arising Out of PS.Case No. -397 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

.... Petitioner/s

State of Bihar & Anr

.... Opposite Party/s

For the Petitioner/s : Mr. Sandeep Patil
For the Opposite Party/s : Mr. Zainul Abedin

2 23-08-2016 Learned counsel for the petitioner is
permitted to make necessary correction in the petition,
as prayed for.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

On instruction it is submitted that the

petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That it is further submitted that the petitioner is ready to keep the complainant with him. But the opposite party no.2 always use to live at the residence of him parents.”

The impugned order reflects that the petitioner offered to keep the complainant as wife which led to issuance of notice but when the complainant appeared and expressed willingness to reconcile the issue, the petitioner retracted from the earlier stand and suggested that he is not ready to keep the complainant but it is submitted by learned counsel for the petitioner that now the petitioner is ready to keep the complainant. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That it is further submitted that the petitioners ready to keep the complainant with him.



But the opposite party no. 2 always use to live at the residence of him parents.”

Though it is submitted by learned counsel for the petitioner that the petitioner has earlier filed Matrimonial Case No. 302 of 2016 with a prayer for divorce but now the petitioner is ready to withdraw the same though statement to that effect has not been made in the petition.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Katihar in connection with Complaint Case No. 397 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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