

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30932 of 2016

Arising Out of PS.Case No. -1252 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

Rajesh Lal, son of Sugreev Prasad Sahu, resident of Mohalla- Navneet Colony, Hanuman Nagar, P.S.- Patrakarnagar, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Pooja Kumari daughter of Pradeep Kumar resident of Jagdamba Niwas, Gurudwara Road, P.S.- Kotwali, District-Gaya

.... Opposite Parties

Appearance:

For the Petitioner/s : Mr. Ujjwal Kumar Sinha

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsels for the petitioner and the State.

Petitioner being the husband of the complainant is apprehending his 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.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to take the complainant to her matrimonial house with

full dignity and honour. A statement to that effect has been made in Para-9 of the petition, which reads as follows:-

“That despite petitioner’s undertaking that he is ready to keep the complainant with all dignity providing her security of life giving love and affection providing medical facility maintaining her, the complainant is not willing to live with the petitioner and is pursuing the complaint.”

It is further submitted by learned counsel for the petitioner that the petitioner has filed matrimonial suit no. 767 of 2015 for restitution of the conjugal life and the same has not been concluded due to apathetic attitude of the complainant.

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 bond 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. 1252 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 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)

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