

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33009 of 2016

Arising Out of PS.Case No. -1066 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Munga Lal Sah S/o Late Raja Ram Sah, Permanent R/o- Takha, Parsa,
P.S- Maharjganj (Duraundha) new P.S. Majrul hak, Distt- Siwan, at present
residing at Araria, P.W.D. Colony P.S- Araria, R.S. Distt- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rita Devi W/o Mungalal Sah, R/o- Piyun Quarter, ward No.- 05
Mirchaibari, P.S- Sahayak, Distt Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 09-08-2016 Learned counsel for the petitioner is permitted to
make necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner,
complainant and the State.

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 Sections
498A of the Indian Penal Code and section 4 of Dowry
Prohibition Act.

The basic accusation is of torture for non fulfillment
of dowry demands.

The petitioner admits his marriage with the complainant. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 11 of the petition which reads as follows:

“That the petitioner attempted several times to get bidagari but she did not agree to come, though this petitioner is ready to keep his wife with full dignity and honour which she deserves.”

It is further submitted that complainant is the second wife as the first wife of the petitioner died earlier. The complainant earlier filed Complaint Case No. 697 of 2008 with similar accusation which ended in compromise. The impugned order reflects that the petitioner did not express his willingness to keep his wife as a result the prayer for bail was rejected but at present the petitioner is ready to keep the complainant and wife.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 18.8.2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 SDJM, Katihar in connection with Complaint Case No. C.A. 1066 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 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)

Anil/-

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