

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31033 of 2016**

Arising Out of PS.Case No. -2285 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Sunil Prasad @ Sunil Kumar, S/o Suresh Sao, resident of Bazitpur Gudari  
Barh, P.S.- Barh, District- Patna

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar

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

**ORAL ORDER**

2      26-07-2016                      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 Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-18 of the petition which reads as follows:-

“That despite of that still  
petitioner is ready and willing to keep the

complainant (o.p. no. 2).”

It is further submitted that sister of the petitioner Anju Devi was married to the brother of the complainant Rajesh Kumar and at earlier point of time the sister of the petitioner filed Complaint Case No. 330C of 2013 against the complainant's family wherein the cognizance has been taken under Section 498A of the Indian Penal Code. The father of the petitioner also filed Complaint Case No. 540C of 2014 against the complainant's family wherein cognizance has been taken under Sections 323, 341, 427, 380, 506, 325/34 of the Indian Penal Code.

It is expected from the learned court below to refer the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority.

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 J.M., Ist Class, (Akansha Kashyap), Gaya in connection with Complaint Case No. 2285 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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