

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44239 of 2014

Arising Out of PS.Case No. -598 Year- 2011 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Sanjay Prasad son of Sidheshwar Prasad Resident of Village - Rasalpur,
P.S. - Parasbigha, Dist. - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Devi W/o - Sanjay Prasad Resident of Village - Rasalpur, P.S. -
Paras Bigha, Dist. - Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashmi Kumari Mandilwar, Advocate

For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner and
learned APP for 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, 494 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The present Cr. Misc. No. 44239 of 2014 has been filed on 03.11.2014, the matter was heard on 17.12.2014 whereas notices were issued to opposite party no. 2 and matter was fixed for 13th of April, 2015 at 2.10 P.M. in Chambers. In the meantime, interim protection was granted.



It appears that petitioner allowed the application to be dismissed for non-compliance of peremptory order for submitting requisite within a period of two weeks and file the restoration application on 09.11.2015 vide Cr. Misc. No. 53025 of 2015, the restoration application was allowed on 09.12.2015.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and ready to keep the complainant as wife with full dignity and honour and has not performed second marriage. Statement to that effect has been made in paras- 2 and 3 of the supplementary affidavit which reads as follows:-

“2. That the petitioner has no any second marriage have been solemnized with another lady and the petitioner has no any affairs with another lady.

3. That the petitioner has ready to keep his wife with full dignity on his own accordance.”

In view of the above fact, this Court is not inclined to keep the application pending in view of the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad, in connection with Complaint Case

No. 598 of 2011, subject to the conditions as laid down under Section 438 (2) 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 four 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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