

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30751 of 2016

Arising Out of PS.Case No. -1807 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Haribansh Chauhan, S/o Horli Chauhan, resident of village-Pali, P.S.-
Kauwakole, District-Nawada.

.... Petitioner

Versus

1. State of Bihar.
2. Sharda Devi, W/o Haribansh Chauhan, resident of village-Pali, P.S.-
Kauwakole, District-Nawada, at present – D/o Basant Chauhan, village-
Mangura, P.S.-Kadirganj, District-Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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**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 arrest in a complaint case wherein process has been
directed to be issued after cognizance being taken for the offences
punishable under Sections 498A, 323, 379, 307/511 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

The 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 keep the complainant with full dignity and honour. A

statement to this effect has been made in Para-9 of the petition, which reads as follows:-

“That, it is further submitted that the accused petitioner, Haribansh Chauhan is husband of the complainant and ready to keep the informant with all dignity and honour.”

It appears from the impugned order that in the process of reconciliation, the complainant went to her matrimonial house where she was assaulted by her in-laws.

It is submitted by learned counsel for the petitioner that the accusation of assault is absolutely baseless as no injury report has been produced by the complainant before the court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event 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 Judicial Magistrate-1st Class, Nawada in connection with Complaint Case No. 1807 of 2014, 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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