

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27954 of 2016

Arising Out of PS.Case No. -1842 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Dinesh Das S/o Late Mohan Das R/o village-Saidpur (HarizanToli),
P.S.- KHizersara, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Babli Devi W/o Dinesh Das D/o Late Jawahar Ram resident at
Gurudwara Road, P.S. Kotwali, District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-10-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture after ten years of marriage for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant. The accusation of demand of dowry after ten years of marriage appears to be absolutely unreasonable. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made

in para 11 of the petition which reads as follows:-

“That the petitioner is still
ready to keep his wife with full dignity and respect,
if she is ready to live as wife.”

It appears from the impugned order that the learned Court below made an effort to reconcile the issue but the informant refused to accept the offer of the petitioner due to the past conduct of the petitioner and petitioner having performed second marriage.

It is submitted by learned counsel for the petitioner that petitioner has not performed second marriage, though statement to that effect has not been made in the petition.

The notices were issued to the complainant vide order dated 05.07.2016. The office note dated 19.10.2016 reflects that the notices were validly served to the complainant.

None appears on behalf of the complainant.

Considering the present stand of the petitioner, this Court feel inclined to remit the matter back to the learned Court below to make an effort to get the issue mediated between the parties. In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months 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. 1842 of 2012.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

However, if the substantial proof comes that petitioner has performed second marriage then provisional bail will not be confirmed and petitioner will surrender and pray for regular bail.

Shageer/-

(Dinesh Kumar Singh, J)

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