

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28245 of 2015

Arising Out of PS.Case No. -409 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Suraj Sao @ Suraj Sab son of Raj Kumar Sao resident of village -
Babhani Ghat, Bahuara Tola Nichali Gali, Gaya, Police Station - Civil
Lines, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kranti Devi wife of Suraj Sao resident of village - Babhani Ghat,
Bahuara Tola Nichali Gali, Gaya, Police Station - Civil Lines, District -
Gaya. At present Daughter of Krishna Sao, resident of village - Sherpur,
Police Station - Akbarpur, District - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 26-07-2016

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 for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is 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 the complainant with full dignity and honour.”

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

It appears from the record that the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 22.07.2015 but the report of the Mediator at Flag-A dated 09.09.2015 reflects that the issue could not be resolved through the process of mediation.

Both sides agree to appear before learned Court below on 17th of August, 2016, when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 one year on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 409 of 2014.

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 one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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