

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36341 of 2016**

Arising Out of PS.Case No. -520 Year- 2014 Thana -SARAN COMPLAINT CASE District-SARAN

=====

Pawan Kumar Son of Ram Chandra Sah resident of village Jamo P.S. Jamo District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Devi Wife of Pawan Kumar Daughter of Pashuram Jee village Ghota Telpa, Gandhi Chowk, P.S. Chapra Town District Saran.

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

=====

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

=====

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

02/ 29-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 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 appears from the impugned order that the learned Sessions Judge disposed of the anticipatory bail

application of the petitioner on the ground that only summons have been issued. Statement has been made in paragraph 2 of the supplementary affidavit that non-bailable warrant of arrest has been issued vide order dated 08.02.2016 by learned S.D.J.M., Saran, which reads as follows:-

*“That it is stated that learned S.D.J.M., Saran was pleased to take the cognizance on 03.07.14 in Complaint Case No. 520-2014 dated 21.02.14, Trial No. 1871/16 and thereafter pleased to issue Non bailable Warrant dated 08.02.16 against the petitioner and since then petitioner is apprehending his arrest.”*

It is further submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

*“That it is relevant to State here that petitioner is ready to lead his matrimonial life with his wife peacefully and also give proper respect with full dignity.”*

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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 520 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 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 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)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|