

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45067 of 2016

Arising Out of PS.Case No. -749 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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Akash Kumar Jain @ Akash Jain @ Bihu S/o Jai Kumar Jain R/o Raj
Dhanwar Road, P.S.- Saraiya, District- Giridih.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Kumari @ Neha Jain D/o Late Gaya Singh R/o Mohalla- G.B.
Road, Upward Dev Medical, P.S.- Kotwali, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rina Sinha, Advocate
For the State : Mr. J.N. Thakur, APP
For the opposite party no.2: Mr. Sanjeev Kumar, Advocate

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

03/ 08-12-2016

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.

The petitioner and the complainant are present in
the Court.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, though no specific statement to that effect has been made in the petition. Moreover, the petitioner has filed Matrimonial Suit No. 58 of 2014 for restitution of conjugal life which was decreed ex-parte.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 16th of January, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Gaya in connection with Complaint Case No. 749 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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)

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