

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42517 of 2016

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Awadhesh Paswan; S/o Misari Paswan; Resident of Villlage- Desari; P.S. Desari; District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Kumari @ Bibha Devi, D/O- Sonelal Paswan, Resident of Villlage- Siura Musahari, P.S.- Patory, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 27-09-2016

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 is 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 6 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with honour and dignity but the complainant never likes to live at her matrimonial house with the petitioner.”

It is further submitted that the similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner as she apprehends danger to her life at the hands of the petitioner. It is further submitted that since the petitioner is a very poor person, hence she does not want to reside with the petitioner.

Considering the present stand of the petitioner, this Court is inclined to give one more chance to the petitioner and the complainant to think over the resolution of the issue, 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, Samastipur in connection with C.R. No. 1068 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is expected from the learned court below to get the issue mediated.

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)

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