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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43219 of 2016

Arising Out of Complaint Case No. -232 Year- 2015 Thana -KATIHAR COMPLAINT CASE District- KATIHAR

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Nivas Ram

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal
For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed with accusation for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act wherein process has been directed to be issued after cognizance being taken.

The accusation is of torture for non-fulfillment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he 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 has always willing and ready to keep his wife complainant/opposite party no.2".

From the impugned order it reflects that initially the petitioner was ready to keep the complainant as wife with dignity and honour, but on her appearance the petitioner refused to keep her.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar, in connection with Complaint Case No.232/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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