

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25903 of 2016

Arising Out of PS.Case No. -210 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Pintu Choudhary S/o Kamleshwar Choudhary @ Kameshwar Choudhary, resident of village- Mathurapur, P.S.- Sanjhauli, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi wife of Pintu Choudhary and Daughter of Lalu Choudhary, resident of village- Lachhmipur, P.S.- Sanjhauli, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey
For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-11-2016 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 Sections 498A, 323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner 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 7 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant and he is ready to keep her wife with full honour and dignity.”

It is further submitted that it appears from the impugned order that similar was the stand of the petitioner before learned Court below but the complainant refused to accept the offer of the petitioner since she was apprehensive due to the torture inflicted at the hands of the petitioner in past.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before learned Court below on 29th of November, 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 210 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities i.e. (i) On substantial restoration of the matrimonial harmony within a period of one year or (ii) If the matrimonial harmony will not be restored due to the latches on the part of the complainant or (iii) If the complainant fails to appear before learned Court below.

(Dinesh Kumar Singh, J)

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