

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42816 of 2016

Arising Out of Complaint Case No. -1188 Year- 2014 Thana -BUXAR COMPLAINT CASE
District- BUXAR

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Ajay Kumar son of Kapildeo Prajapati

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi W/o Ajay Kumar, D/o Lalan Prajapati

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case 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 4 of the Dowry Prohibition Act.

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 7 of the petition which reads as follows:-

"That the petitioner is always ready to keep the complainant as her wife with full dignity and honour but she does not want to live with the petitioner."

A supplementary affidavit has been filed stating in paragraph nos. 2 and 3 that the petitioner has no illicit relationship and such accusation has neither been levelled in the S.A. nor in the complaint petition, which read as under :-

"2.That the petitioner has no any illicit relationship with any girl and the complaint whatever has alleged regarding illicit relationship of the petitioner is totally false and concocted.

3. That it is relevant to mention here that neither in S.A. before learned Judicial Magistrate nor in entire complaint case such type of allegation has been alleged against the petitioner."

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 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, Buxar, in connection with Complaint Case No.1188/2014,

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.

Ashwini/-

(Dinesh Kumar Singh, J)

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