

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4271 of 2016

Arising Out of PS.Case No. -451 Year- 2011 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Lakshmi Paswan son of Shiv Narayan Paswan alias Sri Narayan Paswan, Resident of Village- Paharpura, Police Station- Karpi (Shahar Telpa), District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar
2. Puspa Devi wife of Lakshmi Paswan, Village- Paharpura, P.S.- Karpi, Distt- Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2016 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 494, 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner on instruction 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 12 of the petition which reads as follows:-

“That petitioner is still willing/ready to live with the complainant who in no way is ready to cooperate to the petitioner who is her husband.”

It is further submitted that petitioner has not performed second marriage. A statement to that effect has been made in para 8 of the petition. The relevant portion of which reads as follows:-

“That neither the petitioner demanded any dowry/she buffalo nor he tortured the complainant in any manner, nor he solemnized his marriage, 2nd time with any other girl.....”

Considering the present stand of the petitioner, 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 six months 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, Arwal in connection with Complaint Case No. 451 of 2011(Trial No. 1099 of 2015).

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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