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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57973 of 2015

Arising Out of PS.Case No. -8 Year- 2013 Thana -AURANGABAD COMPLAINT CASE District-AURANGABAD

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Sujay Mistry

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Lal Bahadur Singh
For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2016 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 and 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806** (**Cr. Misc. No. 51075 of 2014)** since only the summons were issued.

It is submitted by learned counsel for the petitioner that now the warrant of arrest has been issued, statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

> *"That it is humbly stated here that the bailable warrant was issued on 2.5.2015 and thereafter non-bailable warrant was on 26.11.2015 by the learned court below against the petitioner."*

Learned counsel for the petitioner further submits that the 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 10 of the petition which reads as follows:-

> "*That the petitioner is always ready to keep the complainant with honour and respect...."*

It is further submitted that the petitioner is also making payment of maintenance amount in pursuance to the order passed in maintenance proceeding.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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, Aurangabad in connection with Complaint Case No. 8 of 2013, 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)

Amrendra/-

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