

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58450 of 2015

Arising Out of PS.Case No. -1636c Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. SANJIV KUMAR @ SANJEEV KUMAR @ MINTU Son of Satrugan
Prasad Singh Resident of Village- Dighi , Police Station - Murliganj ,
District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Wife of Sanjiv Kumar 'Mintu', Daughter of Sri Rama Nand
Singh Resident of Village - Bhagwatpur , P.S - Maheshi , District -
Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Adv
For the Opposite Party/s : Mr. Manoj Kumar No. 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 04-01-2016 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 323, 379 and 498A 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.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and is ready to
keep the complainant as wife with full dignity and honour.

Moreover, the petitioner has also filed Matrimonial Suit No. 130 of 2013 for restitution of conjugal rights. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"That the petitioner is ready to keep her wife with full dignity and has filed also a case under section 9 of the Hindu Marriage Act being M.M. Petition no. 130 of 2013 before the Court of Principal Judge, Family Court, Saharsa for restoration of conjugal life in which complainant has appeared after paper publication on 05.01.2015 itself and case is pending."

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saharsa in connection with Complaint Case No. 1636c 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

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