

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44143 of 2015

Arising Out of Complaint Case No.. -642 Year- 2011 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Manoj Kumar Jha @ Manoj Jha Son of Mohan Jha

.... Petitioner/s

Versus

1. The State of Bihar
2. Minu Jha Wife of Manoj Kumar Jha @ Manoj Jha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-08-2016

None appears on behalf of opposite party no.2.

However, the petitioner in-person along with his learned counsel is present.

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 has been taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour

but it is the complainant who refused to stay with the petitioner. A statement to that effect has been made in paragraph no.16 of the petition, which reads as under :-

"That the petitioner being husband always ready to keep the opposite party no.2 with full honour and dignity, but in the Court below she refused to live with the petitioner which is evident from the impugned order itself."

The impugned order reflects that the matter was referred to the mediation centre of the Patna High Court where the petitioner offered to keep the complainant as wife with full honour and dignity but the complainant declined to accept the offer since she was apprehensive due to the past conduct of the petitioner.

Considering the present stand of the petitioner and the fact that after notice being issued twice to opposite party no.2 she entered appearance on 19.04.2016 when on her prayer the matter was adjourned for 19.04.2016 but today none is appearing on behalf of opposite party no.2, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Rosera, in connection with Complaint Case

No.642/2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the complainant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Ashwini/-

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