

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37914 of 2016

Arising Out of PS.Case No. -220 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Mantosh Kumar @ Mantosh Kumar Singh son of Sidhnath Singh, resident
of Village- Pakari, (Pitra), P.O. Kalyanpur, P.S. Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi wife of Mantosh Kumar Singh, D/o Shishnath Singh, resident
of Village- Gotapa, P.S. Vikramganj, Dist- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-09-2016 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 has been taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 7 of the petition which reads

as follows:-

“That the petitioner is a husband and he is ready to keep his wife in her matrimonial home with full dignity and owner.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order but in spite of valid service of notice, the complainant chose not to appear.

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, Bikramganj (Rohtas) in connection with Complaint Case No. 220 of 2015, 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 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be

confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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