

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43472 of 2016

Arising Out of PS.Case No. -1858 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

1. Dinesh Kumar Das S/o Kedar Das resident of Village- Parsando, Police Station- Hawli, Khadagpur, District- Munger, present address- Golman Group D, Karnataka, Hubli Division, Keshari Railway Station.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushboo Bharti W/o Dinesh Kumar Das resident of Village- Parsando, Police Station- Hawli, Khadagpur, District- Munger, present address- D/o Mahesh Kumar Das, resident of Village- Karla, P.S.- Laxmipur, District- Jamui.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A 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 learned counsel for the petitioner that petitioner admits his marriage with the complainant and

he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-13 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant as a legal wedded wife with full dignity and honour.”

It appears from the impugned order that anticipatory bail was disposed of by the learned Sessions Judge since only summons were issued.

It is submitted by the learned counsel for the petitioner that now the non bailable warrant has been issued against the petitioner. Statement to that effect has been made in para-16 of the petition which reads as follows:

“That the petitioner apprehends their arrest any any moment in this case, because non bailable warrant was issued against the petitioner.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Complaint Case No. 1858C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the

complainant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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