

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2327 of 2016

Arising Out of PS.Case No. -368 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Kailash Kumar Mehta S/o late Dharendra Mehta
2. Bhulia Devi@ Mosomat Bhulia Devi Wife of late Dharendra Mehta Both
resident of Village Padum Nagar, P.s Karjain , District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manju Devi D/o Jagdish Prasad Mehta, Wife of Kailash Kr. Mehta Both
resident of Village Padum Nagar, P.s Karjain , District Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. Manoj Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the complainant and petitioner no.2 being the mother of petitioner no.1 are 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, 498A and 504 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 petitioners submits that the petitioners admit marriage of petitioner no.1 with the complainant and he is ready to keep the complainant as wife with full dignity

and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with her dignity and honour.”

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, but the order dated 11.12.2015 passed by learned court below has been brought on record as Annexure-4 to suggest that non-bailable warrant of arrest has been issued, statement to that effect has also been made in para 13 of the petition, which reads as follows:-

“That.....warrant has also been issued to the petitioners on 11.12.2015.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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, Birpur, Supaul in connection with Complaint Case No. 368C 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. On her appearance, the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 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.

Considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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, Birpur, Supaul in connection with Complaint Case No. 368C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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