

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4103 of 2016

Arising Out of PS.Case No. -1913 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. INDRAJEET CHAUBEY Son of Prabhunath Chaudhary Resident of
village - Bharatpura, Police Station Hathua, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Indrajeet Chaubey Daughter of Vishwambhar
Tiwari resident of village - Khurmauta, Police Station Nawatan, District -
Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Section 498A, 323, 504/34 of
the Indian Penal Code and under section 3/4 of Dowry Prohibition
Act.

The basic accusation is of torture for non fulfillment of
dowry demands.

The petitioner admits marriage with the complainant.
On instructions, it is submitted that the petitioner is ready to keep
the complainant as wife with full dignity and honour. Statement to

the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

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

The petitioner has not performed second marriage. Statement to this effect has been made in paragraph 9 of the petition which reads thus:-

“9. That the observation made by the learned Sessions Judge is an error of record. The petitioner has not permitted second marriage though the complainant had given him permission for second marriage because of being physically weak and incapable of conceiving a child. It is again being retreated that the petitioner has not performed second marriage and still ready to keep his wife with full honour and dignity.”

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, Siwan in connection with Complaint Case No. 1913 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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