

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6835 of 2016

Arising Out of PS.Case No. -158 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Biru Kumar son of Buchun Ram, Resident of village- Sekhdiha, P.S.-
Pandu, District- Palamu (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari wife of Biru Kumar, daughter of Arvind Ram @ Sablayak
Ram, Resident of village- Khorandiha, P.S.- Pandu, District- Palamu
(Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-06-2016 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 being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code and Section 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 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 5 of the supplementary affidavit which reads as follows:-

“That the petitioner wants to keep the opposite party no.2 providing well regard and dignity of wife with all required expenditure for her well maintenance.”

It is further submitted that in pursuance to order dated 20.04.2015 passed by learned Principal Judge, Family Court, Aurangabad in Misc. Case No. 26 of 2014, the petitioner is paying Rs. 8,000/- per months to the complainant, statement to that effect has been made in para 13 of the petition which reads as follows:-

“That the petitioner has been paying maintenance amount of Rs. 8,000/- per months as per the order dated 20.04.2015 passed by the court of Principal Judge, Family Court, Aurangabad in Misc. Case No. 26 of 2014.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and is ready to resume the conjugal right.

Since 83 Cr. P.C. process has already been issued against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

However, both sides agree to appear before the learned court below on 25th of July, 2016 when the learned court below will grant provisional bail to the petitioner for some time and

thereafter confirm the provisional bail on issue being reconciled between the parties.

Accordingly, the application is disposed of in connection with Complaint Case No. 1902 of 2015 pending in the court of learned SDJM, Aurangabad.

(Dinesh Kumar Singh, J)

Amrendra/-

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