

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10740 of 2016

Arising Out of PS.Case No. -748 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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1. Praveen Kumar Sinha son of Suresh Chandra Prasad, R/V- Jhumari
Tilaiya, ward No. 10, P.O + P.S. & District- Kodarma.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nandani Raj Sinha wife of Praveen Kmar Sinha, D/O Sri Siv Kumar
Ambastha, R/V + P.O.- Urban, P.S.- Chakai District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Sakir Ahmad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That petitioner being
husband even then the petitioner is still ready to
keep her with full dignity as wife even at Ranchi”

It is further submitted that earlier also a complaint was filed with similar accusation by the complainant which ended into compromise. The petitioner has filed Matrimonial Suit No. 26 of 2012 for restitution of conjugal life and petitioner has not performed second marriage.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond 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. 748C of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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