

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14017 of 2016

Arising Out of PS.Case No. -211 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Subash Kumar son of Om Prakash Sah, Resident of village- Barmadia,
P.S.- Bara Chakia, Dist.- East Champaran, at present R/M- Ekbalpur Sugar
Mill, Baindaiki Saidabad, P.S.- Rurki, Dist.- Haridwar

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi wife of Subash Kumar D/o Suraj Sah, R/M- Bara Pathar
Chowk, Ward No. 15, P.S. & Dist.- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 09-08-2016 Learned counsel for the petitioner is present.

However, none appears on behalf of opposite party no. 2.

Notices were issued to opposite party no. 2 vide order dated 30.03.2016. The office note dated 08.08.2016 reflects that ordinary process of notice has been received by the learned counsel for opposite party no. 2 appearing before the learned court below. However, service report of registered cover notice has not been received. In the circumstances, notices issued to opposite party no. 2 is treated as deemed valid service.

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 Section 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-10 of the petition which reads as follows:-

“That it is stated that the petitioner is husband of the complainant and ready to live with his wife with a full of love and dignity.”

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, Samastipur in connection with Complaint Case No. 211 of 2014, 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 one year 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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