

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18370 of 2016

Arising Out of PS.Case No. -484 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. AJITABH KUMAR PATHAK @ AJITABH PATHAK Son of Sri
Baleshwar Pathak, Resident of Village - Sushina, P.O. - Gori, P.S. -
Kargahar (O.P. Sirhi), District - Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjali Devi, W/o Ajitabh Kumar Pathak @ Ajitabh Pathak, D/o Ram
Dular Mishra, Resident of Village - Chutia, P.O. - Pararia, P.S. -
Chutia, District - Rohtas (Sasaram) (Naiher).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar

For the Opposite Party/s : Mr. Asha Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2016 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 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. It is further submitted that complainant
has filed Matrimonial Suit No. 101 of 2013 with a prayer for

divorce. The petitioner is still 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 the petitioner has come to know about institution of divorce case filed by the complainant before the Court of learned Family Judge, Rohtas, Sasaram. Despite all these, the petitioner undertakes before this Court that he is still ready to keep his wife with full honour and dignity.”

Considering the aforesaid 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 one year 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, Rohtas at Sasaram in connection with Complaint Case No. 484 of 2013.

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 one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Shageer/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--