

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17623 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Rajesh Kumar, son of Yadunandan Prasad, resident of Village-Tandwa,
Police Station-Dumaria, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalti Kumari, wife of Rajesh Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case filed with accusation under Sections 323, 379, 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act wherein processes were directed to be issued after cognizance being taken.

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. The relevant portion of which reads as follows:-

“That it is submitted that the

petitioner is husband of the complainant and is

always ready to keep the complainant with all
respect as a wife.....”

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,
Sherghati, Gaya in connection with Complaint Case No. 40 of
2015.

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.

(Dinesh Kumar Singh, J)

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