

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22329 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -BARACHATTI District- GAYA

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Sunil Prasad son of Krishnadeo Prasad

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajan Ghoshrahe, Advocate

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a case registered for the offences punishable under Section 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that marriage of the petitioner with the informant in 2009 and birth of a child are admitted facts. The petitioner has filed Matrimonial Suit No. 291/2015 with a prayer for divorce and on 05.11.2015 Complaint Case No.691/2015, levelling accusation under sections 341, ,323, 426, 448, 380, 307, 504 of the Indian Penal Code, and thereafter, the present complaint was filed on 26.11.2015 which

came to be registered as police case on 13.02.2016. The petitioner was arrested on the same day i.e. 13.02.2016. It is further submitted that vide order dated 14.03.2016, the learned Sessions Judge granted provisional bail to the petitioner on the undertaking to keep the complainant as wife with dignity and honour. Subsequently, the petitioner failed to keep the complainant, as a result, the interim order was vacated.

Considering the aforesaid facts and filing of matrimonial suit at earlier point of time, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sherghati, Gaya, in connection with Barachatti P.S. Case No.42/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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