

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21821 of 2016

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Dhanjeev Kumar son of Raja Ram Singh

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari, Daughter of Ranjan Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar (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 complaint case filed with accusation under Sections 307, 324, 424 and 498A of the IPC and Section 3/4 of the Dowry Prohibition Act wherein process has been directed to be issued after cognizance being taken.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner has filed Matrimonial Suit No. 05 of 2015 for restitution of conjugal right and is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That it is relevant to state here that the petitioner is ready to keep the complainant in his house with all dignities.”

It is further submitted that though, the petitioner has also filed Matrimonial Suit No. 226 of 2014 with a prayer for divorce but he is ready to withdraw the same, though, statement to that effect has not been made in the petition.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nawada in connection with Complaint Case No. 82 of 2014, 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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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