

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22674 of 2016

Arising Out of PS.Case No. -2273 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Santosh Sahni
2. Mantosh Kumar@Mantosh Sahni

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Kumari W/o Santosh Sahni, D/o Sitaram Sahni,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner no.1 being husband of the complainant is apprehending arrest in complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under section 498A of the Indian Penal Code and 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 petitioners that petitioner no.1 was forced to perform marriage with the complainant and the marriage was never consummated but petitioner no.1 is still ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in

paragraph no.8 of the petition, which reads as follows :-

"That it is humbly submitted that petitioner no.1 still ready to keep complainant as his wife..."

It is further submitted that petitioner no.1 and the complainant both have performed second marriage.

It is jointly submitted that the issue has been reconciled and both sides decided to part ways of payment of Rs.25000/- (twenty five thousand) as one time settlement amount within a period of two and half months in two equal installments through bank draft before the learned court below, which will be released in favour of the complainant.

It is further submitted that both sides will also file a matrimonial suit under section 13B of the Hindu Marriage Act before the learned Court below within a period of four weeks.

Learned counsel for the complainant does not dispute the contention of learned counsel for the petitioner. However, no affidavit to that effect has been filed before this Court.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for a period of three 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 Rs.10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Vaishali at Hajipur, in connection with Complaint Case No.2273/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on submission of substantial proof with regard to payment of entire agreed amount.

(Dinesh Kumar Singh, J)

Ashwini/-

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