

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39529 of 2016

Arising Out of PS.Case No. -51 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Dhirendra Kumar son of late Sideshwar Prasad Rahi.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour at his place of posting since the petitioner is an army personnel, statement to that effect has been made in para 15 of the petition which reads as follows:-

“That the petitioner is still ready to keep the present

complainant with all dignity at the place of his posting where he is posted presently provided she agrees to live with the petitioner.”

It is further submitted that similar was the stand of the petitioner before the learned court below when the matter was referred to mediation centre but the complainant chose not appear, which gets reflected from the impugned order.

It is submitted by the learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner provided the petitioner keep at his place of posting.

Both sides agree to appear before the learned court below on 4th of October, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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. 51 of 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 in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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