

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28673 of 2016

Arising Out of PS.Case No. -1676 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Gunjan Yadav S/o Ramdhari Yadav, resident of Village- Bishauni
(Barbilla), P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.

2. Soni Devi D/o Yogi Yadav, W/o Gunjan Yadav, resident of Village-
Khanjarpur, P.S.- Barari, District- Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sri Matloob Rab

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 13-07-2016 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 being taken for the
offences punishable under Sections 498A of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of

two children and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph-8 of the petition which reads as follows :-

“That the petitioner still is ready to keep the informant with his two children as wife with full dignity and honour and he undertakes to provide the love and affection and also undertakes to provide best efforts for her maintenance.”

The petitioner has filed Matrimonial Suit No.151 of 2013 for restitution of conjugal life. Similar was the stand of the petitioner before the court below but the complainant does not want to live with the petitioner due to past conduct of the petitioner.

In view of the stand of the petitioner, this Court is inclined to grant one more opportunity to the complainant to consider the offer of the petitioner.

In the facts and circumstances, 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 Rs.10,000/- (ten thousand) with two sureties of the

like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No.1676 of 2013, 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 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)

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