

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29318 of 2016

Arising Out of PS.Case No. -894 Year- 2011 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Sanjay Das son of Sri Mundrika Das resident of Village Dhanchhui P.S.
Konch, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Anita Devi wife of Sanjay Das and Daughter of Suresh Das at present
reside at Village Turktelpa P.s. Karpi, District Arwal.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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

2 21-07-2016 Heard learned counsels for the petitioner and the

State.

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 Section 498A of the Indian Penal Code.

The accusation is of torture for non-fulfillment of

dowry demand.

It is submitted by learned counsel for the petitioner

that the petitioner admits his marriage with the complainant and

is ready to keep the complainant with full dignity and honour. A

statement to this effect has been made in Para-7 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full honour and dignity.”

It is further submitted that non-bailable warrant has been issued against the petitioner by the Court below. A statement to that effect has been made in Para-9 of the petition, which reads as follows:

“That all the in-laws have been made accused in this case but the cognizance has been taken U/S 498A I.P.C, only against the petitioner by the order dated 24.04.2012 and order to issue summons against him and later on N.B.W has been issued against him.”

Considering the present stand of the petitioner and the complaint was filed in the year 2011, let the above named petitioner be released on provisional anticipatory bail for three months in the event 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 Judicial Magistrate 1st Class, Arwal in connection with Trial No. 108 of 2016 arising out of Complaint Case No. 894 of 2011, subject to the conditions as laid down under Section 438(2) of the 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)

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