

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34901 of 2016

Arising Out of Complaint Case No. -3676 Year- 2013 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

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Rajesh Sah @ Rajesh Kumar Sah Son of Sube Lal Sah

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari wife of Rajesh Sah @ Rajesh Kumar Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016 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 Section 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 he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraphs no. 7 and 13 of the petition which read as follows:-

"7. That the petitioner is husband of the complainant (O.P. No.2) and is still ready to keep the complainant as wife with full dignity and honour."

"13. That the petitioner has great love and affection to the complainant (O.P. No.2) and their children."

It is further submitted that similar was the stand of the petitioner before the learned Court below. But it appears from the impugned order that on appearance of the complainant the petitioner did not appear, as a result, the reconciliation could not be made, though, the impugned order also reflects that the complainant is apprehensive due to the past conduct of the petitioner.

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, Vaishali at Hajipur, in connection with Complaint Case No.3676/2013, 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 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.

Ashwini/-

(Dinesh Kumar Singh, J)

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