

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26709 of 2016

Arising Out of PS.Case No. -2412 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Kapil Sahani son of Chandar sahani resident of Village-
Mustafapur, Police Station- Bishanpur, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Krishna Devi wife of kapil Sahani, Daughter of Ram Balak Sahani
resident of Village-Keotsa, Police Station-Gaighat, District-Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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

2 09-08-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being 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 offence
under section 498A of the Indian Penal Code.

The basic 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 as wife with full dignity and honour.
Statement to that effect has been made in paragraph 6 of the
petition which reads as follows:

“That the petitioner is husband of the complainant/opposite party no.2 and ready to keep her with full dignity and honour”.

It appears from the impugned order that learned Sessions Judge has disposed of the bail application since only the summons were issued.

It is further submitted that now the non-bailable warrant of arrest has been issued against the petitioner, statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows.

“That it is relevant to mentioned here that in the instant case non-bailable warrant of arrest has been issued against the petitioner on 21.12.2015, hence the petitioner has great apprehension of arrest by the police.

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 his arrest or surrender before the learned Court below within a period of six 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 Sri Amit Kumar Dixit, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Complaint Case No. 2412 of 2014, 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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