

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39294 of 2016

Arising Out of PS.Case No. -677 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ajay Kumar @ Santosh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2016

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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The prosecution case is that the complainant got married with the petitioner on 23.11.2008 but thereafter further demand of dowry was made and ultimately the complainant was being assaulted and after snatching her belongings she was driven out from the matrimonial house. It is also alleged that the accused persons also made attempt to cause burn injury and took thump impression of the complainant on plain paper.

It is submitted by the learned counsel for the petitioner

that though the accusation has been levelled under Sections 306 and 384 of the IPC also but the cognizance has been taken under Section 498A of the IPC. The petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is always ready to live and keep the complainant with her respect and dignity.”

Considering the present stand of the petitioner, 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, Gopalganj in connection with Complaint Case No. 677 of 2015, 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 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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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