

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42162 of 2016

Arising Out of PS.Case No. -1352 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Sushil Sah

.... Petitioner/s

Versus

1. State of Bihar,
2. Lila devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instruction it is submitted 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 the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That inspite of this the petitioner is still ready to keep the petitioner as a duly wedded wife with full honour and dignity. ”

Though from the impugned order, it appears that the issue could not be reconciled but keeping in view the present stand of the petitioner and the fact that similar was the stand of the petitioner before the learned court below, this court is inclined to grant one more opportunity to the parties to reconcile the issue.

In the 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 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 learned SDJM, Katihar in connection with Complaint Case No. 1352 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the

complainant fails to appear before the learned court below or (iii)
if the complainant deliberately gets reluctant to reconcile the issue.



Anil/-

(Dinesh Kumar Singh, J)

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