

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39468 of 2016

Arising Out of PS.Case No. -2485 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Pappu Mandal S/o Sonatan Mandal, Resident of village- Gujji Mahananand
Tola, P. S.- Amdabad, District- Katihar.

.... Petitioner/s

Versus

1. State of Bihar
2. Punam Devi D/o Mukti Mandal, W/o Pappu Mandal Resident of Village
- Amdol, P. S. - Pranpur, District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016 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 and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that 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 6 of the petition which reads

as follows:-

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

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

From perusal of the impugned order, it appears that initially the petitioner offered to keep the complainant with dignity and honour but on appearance of the complainant, the petitioner refused to settle the issue. It is submitted by learned counsel for the petitioner that now the petitioner is ready to keep the complainant as wife with full dignity and honour.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

Both sides agree to appear before the learned court below on 8th of November, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three 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, Katihar in connection with Complaint Case No. 2485 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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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