

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38046 of 2016

Arising Out of Complaint Case No. -442 Year- 2014 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

Subodh Ram Son of Lakshmi Ram

.... Petitioner/s

Versus

1. The State of Bihar.
2. Preetam Devi Wife of Subodh Ram, Daughter of Sri Birendra Ram

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016 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 Sections 498A, 494, 323/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of the dowry demand, made an attempt to cause burn injury to the complainant and performing second marriage.

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 para 11 of

the petition which reads as follows:-

"That the petitioner is still ready to keep the O.P. No.2 and her son as their family member with full dignity and honour if she desires so."

A further statement has been made in paragraph no.10 of the petition that the petitioner denies to factum of second marriage, which reads as under :-

"That petitioner has not solemnized any second marriage with co-accused Babita Devi. However, the complaint made false and fabricated allegation against 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, Udakishunganj, Madhepura, in connection with Madhepura Complaint Case No.442/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below, if it comes during enquiry that the petitioner has performed second marriage. In that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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