

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58102 of 2015

Arising Out of PS.Case No. -396 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ajit Kumar Jha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2016

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 Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the 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 para 12 of the petition which reads as follows:-

“That in substance the stand of the petitioner is that he is ready to keep the complainant with full honour and dignity.”

Similar was the stand of the petitioner before the learned court below but the complainant was not ready to accept the offer of the petitioner, which also gets reflected from the impugned order which reads as follows:-

“.. it appeared to this Court that the petitioner is ready to keep the complainant but the complainant is not ready to live with the petitioner.....”

Considering the nature of accusation and stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with C.R. No. 396 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the complainant to resume the conjugal life and if she files any such application before the learned court below then the learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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