

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44974 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Chandan Sahni

.... Petitioner/s

Versus

1. State of Bihar,
2. Sudheera Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2016

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 processes have been 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. 12 of the petition which reads as follows:

“That the petitioner is willing to keep the complainant with love affection and respect and to carry out his conjugal duties.”

It is further submitted that the petitioner has not performed second marriage. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“That the allegation of demand of dowry is absolutely false and so is the allegation of remarriage. The fact is that the petitioner has not performed any second marriage and has expressed his desire to keep the complainant properly even before the Learned Session Judge, Darbhanga.”

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 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 ACJM, Benipur, Darbhanga in connection with Complaint Case No. 97 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 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.

(Dinesh Kumar Singh, J)

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