

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11396 of 2016

Arising Out of PS.Case No. -1672 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Manish Kumar Sah Son of Late Ram Babu Sah resident of village- Marhela,
P.S.- Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Kanchan Kumari Daughter of Sri Vinod Sah resident of village-
Rasulpur Vajid, P.S.- Ahiyapur, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Dashrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 25-07-2016

Heard learned counsels for the petitioner

and the State.

Notices were issued to the complainant-
opposite party no. 2 vide order dated 09.03.2016. The office note
dated 22.07.2016 reflects that notices were served on the counsel
for opposite party no. 2 appearing before the learned court
below, but none is appearing on behalf of opposite party no. 2.
Hence, the notices were treated to be deemed valid service.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein process has been directed to be issued after cognizance

being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of 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 with dignity and honour. Similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner which gets reflects from the impugned order. It is further submitted that the petitioner is still ready to keep the complainant with dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That petitioner is ready to resolve the matter.

Considering the aforesaid facts, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial

Magistrate, East Muzaffarpur in connection with Complaint Case No. 1672 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complainant to resume conjugal life. If the complainant files such application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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