

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15998 of 2016

Arising Out of PS.Case No. -108 Year- 2013 Thana -COMPLAINT CASE District- LAKHISARAI

Niraj Kumar S/o Kedar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Tiwary

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and under section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that petitioner admits marriage with the complainant and birth of a child. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 6 of the petition which reads as follows:

“6. That the petitioner is husband of the

complainant and ready to keep the complainant with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage. Statement to that effect has been made in paragraph 8 of the petition which reads thus:

“8. That the petitioner has never married another lady. The story of marriage is false.

Though, earlier reconciliation could not succeed, as would appear from the impugned order, but keeping in view the present stand of the petitioner, the learned court below is directed to make fresh efforts for reconciliation of the issue.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Lakhisarai in connection with Complaint Case No. 108C of 2013 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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