

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19330 of 2016

Arising Out of PS.Case No. -1717 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Deepak Kumar Son of late Randhir Kumar resident of Vilage- Gandhi
Nagar, PS K. Haat, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Kumari@Rupa Wife of Deepak Kumar resident of Village-
Gandhi Nagar P.S K. Haat, District Purnea Presently residing at Village-
Krishna Mandir, Tatma, toli, P.S Sahayak K.Hat, District Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Samir Kumar

For the Opposite Party/s : Mr. Gulnar Begum(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 02-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a Complaint Case filed under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has filed Matrimonial Case No.69 of 2011 for restitution of conjugal rights and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no.9 of the petition, which reads as follows:

“That it is submitted that the petitioner is ready to keep Opposite Party No.2 with all due respect and

affection but she is not consenting to live with the petitioner under the guidance of her father and family.”

Similar was the stand of the petitioner before the learned court below.

Learned counsel for the petitioner submits that the petitioner is suffering from Hepatitis-B and he is not in a position to move even from his bed.

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.

Considering the present stand of the petitioner, let the petitioner Deepak Kumar 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 bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Purnea, in connection with Complaint Case No. 1717 of 2013, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:-(i) on substantial restoration of the matrimonial harmony; or(ii) if the complainant gets reluctant to reconcile the issue; or (iii) if the complainant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

B.K.Roy/-

U			
---	--	--	--