

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33772 of 2016

Arising Out of PS.Case No. -746 Year- 2015 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

=====

Vivekanand Jha, Son of Sri Laxmikant Jha, Resident of Vachaspati Nagar,
P.S. Bahadurpur, District – Patna. At presently Address-11, BSS Hall,
Khyber Pass, Civil Lines, Delhi- 110054.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari W/o Vivekanand Jha R/o Vachaspati Nagar, Kumhrar
P.S. Mahendru, District – Patna, Kanchan Kumari, Associates Professor,
Computer Science College Guru Goind Singh Indraprastha
Vishwavidyalaya Delhi At present Kanchan Kumari D/o Binod Kumar
Thakur, R/o Lavganw P.S. Khagaria (Gangaur), District – Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Harendra Prasad

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 16-08-2016

Heard learned counsels for the petitioner and the
State.

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 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 as wife with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full honour and dignity.”

It is further submitted that the similar was the stand of the petitioner before the learned court below but the learned court below did not consider the offer of the petitioner in true perspective since the petitioner has filed Matrimonial suit being HMA No. 254 of 2015 before the Principal Judge, Family Court, Tis Hazari Court with a prayer for divorce. It is further submitted that the petitioner is ready to withdraw the matrimonial suit, though, statement to that effect has not been made in the petition.

Considering the present stand of the petitioner and in order to give more chance to the petitioner to make effort to resolve the issue, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his 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, Khagaria in connection with Complaint Case No. 746C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--