

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41886 of 2016

Arising Out of PS.Case No. -790 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Niranjan Yadav Son of Bilas Yadav, Resident of village Chauhaddi, Police
Station Bhawanipur (Bihpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumari Wife of Niranjan Yadav and Daughter of Ram Pukar
Yadav Presently residing in village- Arariya, Police Station Maraiya
(Prabatta) District Khagaria.

.... Opposite Party/s

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with

Criminal Miscellaneous No.42856 of 2016

Arising Out of PS.Case No. -11 Year- 2015 Thana -NAUGACHIA District- BHAGALPUR

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Niranjan Yadav Son of Bilash Yadav Resident of Village- Chauddi, Police
Station- Bhawanipur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumari Daughter of Rampukar yadav Resident of Village- Arariya,
Police Station - Maraiya(Parbatta), District Khagaria.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.41886 of 2016)

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

(In Cr.Misc. No.42856 of 2016)

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-10-2016 Heard learned counsels for the petitioner and the State.

Both the above mentioned criminal miscellaneous
applications have been preferred by the petitioner, Niranjan Yadav



who being the husband of the complainant/informant is apprehending his arrest in two cases being filed by his wife being (i) Complaint Case No. 790C of 2013 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the IPC and 3/4 of the Dowry Prohibition Act and (ii) Naugachia (Mahila) P.S. Case No. 11 of 2015 registered for the offences punishable under Sections 498A, 341, 323, 504 and 506/34 of the IPC and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant/informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition of Cr. Misc. No. 41886 of 2016 and in para 8 of the petition of Cr. Misc. No.42856 of 2016 which read as follows:-

“11.That the petitioner is ready to keep opposite party no.2 as his wife with all dignity.”

“8.That the petitioner is still ready to keep her as his wife with full honour/dignity but she is not willing to live with the petitioner for the reasons best known to her.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order of Cr. Misc. No. 42856 of 2016 dated 02.07.2015 passed by learned Sessions Judge in ABP No. 943 of 2015. The impugned order reflects that on assurance of the petitioner that he is ready to keep the complainant as wife with full dignity and honour, notices were issued to opposite party no.2 but she failed to appear.

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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Khagaria/Naugachia in connection with Complaint Case No. 790C/2013/Naugachia (Mahila) P.S. Case No. 11 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 for her appearance when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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