

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42373 of 2016

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Nand Kishor Yadav @ Niraj Kumar Yadav S/o Late Muneshwar Yadav
Mirjapur, Post- T.M. Baghra, P.S.- Manihar, Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi @ Sabita Devi D/o Late Dinesh Yadav, W/o Nand Kishor
Yadav @ Niraj Yadav R/o Azampur, P.S.- Manihari, Distt- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 27-09-2016

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 the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and his 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 still ready to keep his wife/complainant with full honour, respect and dignity of his society, which she herself deserves.”

It is submitted that the petitioner has filed Matrimonial Suit No. 1172 of 2014 on 21.07.2014 for restitution of conjugal rights and thereafter the present complaint has been filed. It is further submitted that the similar was the stand of the petitioner before the learned court below. The petitioner has not disputed the fact that only summons have been issued in the complaint case.

In the circumstances, it is a case for bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. C.A. 2088 of 2014 pending in the court of learned Sub-divisional Judicial Magistrate, Katihar. It is expected from the learned court below to dispose of the bail application of the

petitioner preferably on the same day.

Accordingly, this application is disposed of
with the above observation/direction.

(Dinesh Kumar Singh, J)

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