

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36399 of 2016

Arising Out of Complaint Case No. -29014 Year- 2014 Thana -PATNA COMPLAINT CASE
District- PATNA

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Manoj Goswami, aged 32 years son of Late Bajrang Goswami
..... Petitioner/s

Versus

1. The State of Bihar.
2. Jugal Goswami, aged 62 son of Late Budhai Goswami
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sri Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the complainant is apprehending 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 Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the daughter of the complainant in 2001 and birth of a child. The complainant earlier filed Tatarpur P.S. Case No.236/2011 with accusation under section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act wherein the petitioner was earlier



granted provisional anticipatory bail by the learned Sessions Judge, Bhagalpur, vide ABP No. 983/2011 on 27.04.2011 which has been brought on record as annexure-3 to the petition. The matter was sent to the Mediation and Conciliation Centre, but the complainant deliberately chooses not to appear, hence, the learned Sessions Judge, confirmed the provisional anticipatory bail vide order dated 08.08.2012, thereafter the present complaint was filed.

Learned counsel for the petitioner submits that the petitioner is still ready to keep the daughter of the complainant as wife with full dignity and honour. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

"That in continuance of para no.9 of the anticipatory bail application, it may be added that and petitioner is ready and willing to keep his wife with full dignity and honour."

Learned counsel for the complainant submits that the daughter of the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 9th November, 2016 when the petitioner will take the daughter of the complainant to keep her as wife with full dignity

and honour.

Considering the present stand of the parties, 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, Patna, in connection with Complaint Case No.29014-C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the daughter of the complainant fails to appear before the learned court below or (iii) if the daughter of the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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