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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33582 of 2016

Arising Out of PS.Case No. -906 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Jitendra Kumar son of Nandlal Chandravanshi @ Jaggu Resident of village - Goh, Police Station - Goh and District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priti Kumari daughter of Akhilesh Singh Resident of village - Gulzarbagh, Police Station - Tekari, District - Gaya.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kr. Sinha, Advocate
For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code 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 learned counsel for the petitioner that petitioner admits his marriage with the complainant, but the petitioner filed Matrimonial Suit No. 63 of 2015 with a prayer for divorce before the Principal Judge, Family Court,

Aurangabad, but now the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

> "That the petitioner is ready to keep her with full dignity and honour."

From the impugned order it appears that the petitioner refused to keep the complainant. It is further submitted that at present the petitioner is ready to keep the complainant and ready to withdraw the Matrimonial Suit. Though, statement to that effect has not been made in the petition.

It is submitted by the learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

Both the petitioner and complainant agree to appear before the learned court below on 18th of August, 2016 when 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 above named petitioner be released on provisional anticipatory bail for one year 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 Additional Chief Judicial

Magistrate, -VI, Gaya in connection with Complaint Case No. 906 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 within one year 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)

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