

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41903 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Bharat Sah son of Ram Iqbal Sah.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Section 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.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 13 of the petition which reads as follows:-

“That it is again affirmed that the petitioner is more than willing and ready to keep O.P. No.2 as her wife with full dignity love and affection.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant declined to accept the offer of the petitioner which gets reflected from the impugned order.

This Court is inclined to give one more opportunity to the complainant to make effort to get the issue reconciled.

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, Sadar, Sitamarhi in connection with Complaint Case No. C1-266 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 and remit the matter for mediation with the consent of the parties to get the issue reconciled.

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.

Amrendra/-

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(Dinesh Kumar Singh, J)

