

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42522 of 2016**

Arising Out of PS.Case No. -1640 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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Gurudayal Yadav @ Gurudeo Yadav, S/o Bhubneshwar Yadav @ Bhuma Yadav, R/o village- Gonara, P.S.- Chandan (O.P.- Anandpur), District- Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Radhika Devi, W/o Guru Dayal Yadav @ Gurudeo Yadav, D/o Ghanshyam Yadav, R/o village- Pirara, P.S.- Chandan (O.P. Anandpur), District- Banka.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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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, 323 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 learned counsel for the petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

*“That petitioner is always ready to keep his wife with full dignity and honour, but she does not want to live with the petitioner.”*

It is further submitted that the similar was the stand of the petitioner before the learned court below. Moreover, the present complaint has been filed as a retaliatory measure since on the death of the sister of the petitioner Katoriya (Suiya) P.S. Case No. 218 of 2015 was registered with accusation under Sections 304B and 328/34 of the Indian Penal Code wherein father of the present complainant has been made accused since he mediated the marriage of the sister of the petitioner.

Considering the present stand of the petitioner and with a view to give one more opportunity to the complainant, let the above named petitioner be released on provisional anticipatory bail for six months 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 Sub-divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1640 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 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)**

DKS/-

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