

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39440 of 2016

Arising Out of PS.Case No. -299 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Raj Kumar Patel @ Raju Kumar Patel, son of late Ramprasad Patel
..... Petitioner/s

Versus

1. State of Bihar
2. Neha Patel, wife of Sri Raj Kumar Patel and daughter of late Parshuram Patel
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2016 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 being taken for the offences punishable under Sections 341, 323, 498A,506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and making assault to the complainant when co-accused Anil Kumar Patel gave threatening to kill her by causing acid burn injury.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of three children. The petitioner is ready to keep the complainant

as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That the petitioner has however no any grievance against his wife, the O.P. No.-2, and he undertakes even before the Hon'ble Court to keep her with full dignity and honour, respect and comfort, safety and security."

It is further submitted that the petitioner has filed Matrimonial Suit No.338/2015 for restitution of conjugal life on 26.09.2015 and, thereafter, the present FIR was registered on 10.06.2016.

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 CJM, West Champaran at Bettiah, in connection with Bettiah Nagar (Kalibag) P.S. Case No.299/2016 , 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. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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