

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12820 of 2016

Arising Out of PS.Case No. -3861 Year- 2015 Thana -VAISALI COMPLAINT CASE District- -

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Dharam Prakash Singh, son of Harihar Prasad Singh, resident of Village-
Rajapakar North Tola, P.S.-Rajapakar, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Kamni Kumari, wife of Dharam Prakash Singh, village + P.S.-Raja
Pakar, District-Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Vipin Kumar Singh, Adv
: Mr. Sachin Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-03-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and birth of two children. The petitioner has filed Matrimonial Suit No. 304 of 2015 for the restitution of conjugal life. The petitioner is still ready to keep the

complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner humbly submits that he wants to keep his wife with him.”

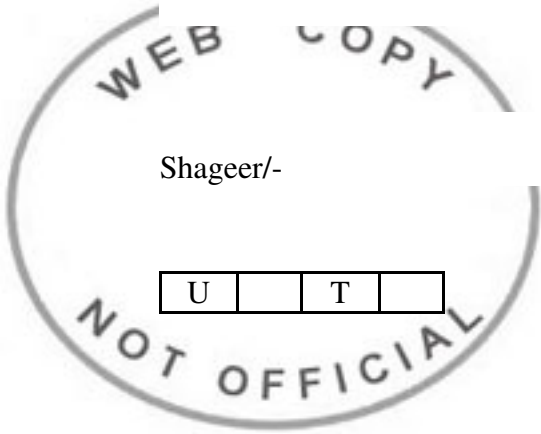
It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 11th of April, 2016 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 3861 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails

to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)