

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14425 of 2016

Arising Out of PS.Case No. -240 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

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1. Vinay Kumar Sah son of Jago Sah, resident of Village- Lali Paharhi Jaynagar, Ward No. 33, P.S. Kabaiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi W/o Vinay Kumar Sah, D/o Dharmdeo Sah R/o Lali Paharhi Jaynagar, Ward No-33, P.S.- Kabaiya, Distt- Lakhisarai. at present R/o Sohojana P.S.- Jhajha, Distt- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad
For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2016 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 is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is still

ready to keep his wife(complainant) with full honour
and dignity, but the complainant herself does not
want to live with her husband.

Considering the present stand of the
petitioner, 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,
Jamui in connection with Complaint Case No. 240C of 2015.

Let learned Court below issue notice to the
complainant and fix a date for her appearance. On appearance,
the petitioner will take the complainant to her matrimonial
house to keep her as wife with full dignity and honour.

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)

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