

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19251 of 2016

Arising Out of PS.Case No. -2997 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Anil Sharma son of Balram Sharma, Resident of village- Bhaddi, P.S.-
Sour Bazar (O.P. Patarghat), District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi @ Rajiya Devi, D/o Satya Narayan Sharma, W/o Anil
Sharma, R/v Bhaddi, P.S.- Sour Bazar, District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Murlidhar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 02-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a Complaint Case in which processes have been directed to be issued after cognizance being taken for the offences punishable under sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture for non-fulfillment of dowry demands.

Learned counsel for the petitioner submits 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 no.8 of the petition which reads as follows:

“That the petitioner is ready to keep his wife with full honour and dignity, because the complainant also cooperate to look after her children.”

It has been submitted by the learned counsel for the petitioner that the petitioner has not performed second marriage, but statement to that effect has not been made in the petition. Though the allegation of second marriage has not been made in the complaint, but on the basis of S.A. cognizance has been taken under section 494 of the Indian Penal Code also.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the petitioner be released on provisional anticipatory bail for one year in the event of 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 Subdivisional Judicial Magistrate, Saharsa, in connection with Complaint Case No. 2997C/2015, subject to the conditions as laid down under section

438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed within one year by the learned court below in three eventualities(i) on substantial restoration of the matrimonial harmony; or(ii)if the complainant gets reluctant to reconcile the issue; or(iii) if the complainant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

B.K.Roy/-

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