

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35728 of 2016

Arising Out of PS.Case No. -2841 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Sukesh Sah

.... Petitioner/s

Versus

1. State of Bihar,
2. Amrita Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-08-2016

Learned counsel for the petitioner is permitted to make
necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case filed with accusation
under Sections 498A and 406 of the Indian Penal Code and
sections 3 and 4 of Dowry Prohibition Act wherein process has
been directed to be issued after cognizance being taken.

The basic accusation is of torture.

On instruction it is submitted 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 the
aforesaid effect has been made in paragraph no. 16 of the petition,

the relevant portion of which reads as follows:

“..... If the complainant is ready to live with the petitioner as a wife, petitioner being a husband, is ready to keep as a wife with full dignity.....”

It appears from the impugned order that the learned court below directed the petitioner to take the complainant back to the matrimonial house but the petitioner failed to do so but now the petitioner is ready to keep the complainant.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Gopalganj in connection with Complaint Case No. 2841 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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