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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32404 of 2016

Arising Out of Complaint Case No. -587 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District- EASTCHAMPARAN(MOTIHARI)

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Gouri Shankar Sah Son of Jageshwar Sah,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi wife of Gouri Shankar Sah, Daughter of Ramaghya Sah

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2016 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 498A, 323, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour for which he has filed Matrimonial Suit No.141/2015, for restitution of conjugal life. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"That it is submitted that petitioner is husband of the complainant and is ready to keep the complainant with full dignity and accordingly filed a Matrimonial Suit No.141/2015, for restitution of conjugal life…."

It is submitted by learned counsel for the complainant that the conciliation failed before the learned Court below since it was submitted by the petitioner that he is not ready to keep the complainant, which gets reflects from the impugned order.

It is further submitted that similar was the stand of the petitioner before the learned Court below. A statement to that effect was made in the petition filed before the learned Court below but contrary to the instructions of the petitioner his counsel made a wrong statement. Though, statement to that effect has not been made in the petition.

Learned counsel for the complainant further submits that the complainant is ready to accept the offer of the petitioner.

Both sides agreed to appear before the learned court below on 22nd August, 2016 when 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 above named petitioner be released on provisional anticipatory bail for three 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 SDJM, Sikrahna, Motihari (East Champaran) in connection with Complaint Case No.587/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)

Ashwini/-

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