

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32648 of 2016

Arising Out of PS.Case No. -868 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Sujit Pal @ Babua @ Babuwa Pal S/o Late Subol Pal, R/o Pal Tola,
Amdabad Bazar, P.S.- Amdabad, Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gayatri Devi W/o Sujit Pal, D/o Sri Lakho Pandit R/o Moh- Hariganj
Kuman Tola, P.S. and Distt- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2016 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 cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner being the husband of the complainant is always ready to keep her with full love, affair, dignity and honour of his society as she deserves from this petitioner.”

It appears from the impugned order that initially it is submitted on behalf of the petitioner before the learned court below that the petitioner is ready to keep the complainant with full dignity and honour but on appearance the petitioner refused to settle the issue.

It is further submitted by learned counsel for the petitioner that now the petitioner is ready to keep the complainant 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 six 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 RS 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar in connection with Complaint Case No. C.A. 868 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 for her appearance when the petitioner will take the

complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

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