

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33587 of 2016

Arising Out of PS.Case No. -972 Year- 2011 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Bhim Shankar Tiwary S/o Late Ram Lakhan Tiwary resident of Village -
Kalmedha, P.S. - Agamnagar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shanti Devi D/o Late Kamal Pandey W/o Bhim Shankar Tiwari resident
of Village - Sheetalpur, P.S. - Azamnagar, District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep her with due dignity and

honour. It is further submitted that the complainant herself deserted the petitioner. From the impugned order it appears that processes under Sections 82 and 83 Cr.P.C. has already been issued since complaint was filed in 2011. Hence, this Court is not inclined to consider the prayer for bail of the petitioner.

But keeping in view of the present stand of the petitioner it is a case for consideration of prayer for regular bail, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with C.A.Case No. 972 of 2011, pending in the court of learned Sub-Divisional Judicial Magistrate, Katihar.

With the above observation this application is disposed of.

It is expected from the learned court below to consider the prayer for regular bail of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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