

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16683 of 2016

Arising Out of PS.Case No. -1118 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

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Amit Kumar @ Sonu S/o Sri Mahendra Prasad Singh.... Petitioner/s
Versus
State of Bihar & Anr Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kant Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of daughter of informant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and under section 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits marriage with the daughter of complainant and he has filed Matrimonial Suit No. 775 of 2015 for restitution of conjugal rights. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition which reads as follows:

“11. That the petitioner has already filed restitution case under section 9 of the Hindu Marriage Act before the Principal Judge, Family Court, Patna vide Mat-

case No. 775 of 2015 and after notice in the said case, the complainant has filed the present complaint case against the petitioner and his family members. The petitioner is ready to keep his wife with full dignity and respect.”

Considering the present stand of the petitioner, let the above named 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Danapur, Patna in connection with Complaint Case No. 1118 (c) 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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