

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2494 of 2016

Arising Out of PS.Case No. -887 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Manoj Paswan Son of Sukhdev Paswan resident of village - Mokaridih,
P.S. Hayaghat, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Basanti Devi Wife of Manoj Paswan, D/o Ram Dayal Paswan resident
of village - Mokaridih, P.S. Hayaghat, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 15-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband 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.

The petitioner admits marriage with the complainant.
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. 14 of the

petition which reads as follows:

“That the petitioner always ready to keep his wife with full dignity and comfort but she herself deserted the petitioner and despite all effort made by this petitioner to bring her back to lead a happily conjugal life, she refuses to live with him rather she permanently living with her parents in Maika with her own sweet will and desire.”

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 Sub-divisional Judicial Magistrate, Darbhanga in connection with C.R. Case No. 887/2014 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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