

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58575 of 2015

Arising Out of PS.Case No. -1462 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Mukesh Jha @ Mukesh Kumar Jha Son of Narendra Nath Jha R/o
Village Dhakjari, P.S. Benipatti, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Puja Wife of Mukesh Kumar Jha, D/o Amrendra Kumar Chaudhary
Present Address at Mohalla Mishra Toli, P.S. Town Darbhanga, District
Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalit Narayan Jha
For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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

2 04-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 384,380,406,323 and 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and making attempt to extort money from the complainant's family.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the

complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 27 of the petition which reads as follows:

“That the petitioner was/is ready to keep the complainant with full respect and dignity, according to his capacity.”

The petitioner has also filed Matrimonial Suit No. 719 of 2014 for restitution of conjugal rights. The impugned order reflects that inspite of notice the complainant failed to appear before the learned court below.

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 Darbhanga in connection with Complaint Case No. 1462 of 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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