

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16076 of 2017

Arising Out of PS. Case No.-3253 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Pramod Kumar Prabhakar @ K. Prabhakar Son of Ram Murti Ram , Resident
of Village- Godharbasti, P.S.- Dhanbad, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Kumari, Wife of Pramod Kumar, Prabhakar, D/o Kranti Kumar,
Resident of Mohalla- Bajitpur P.O.+P.S.- Barh, District- Patna, presently
Residing at C/o Arun Kumar Verma, Khas Mahal Road No.3, Chairman, P.S.-
Jakkanpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Opposite Party/s : Mr. SRI CHAUBEY JAWAHAR

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 31-10-2017 Heard learned counsels for the petitioner,

complainant and learned APP for the State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offence punishable under Section 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

Prosecution case is that the marriage of the
complainant was performed with the petitioner on 18.02.2011.
On 05.03.2011, the petitioner went to his place of employment,
i.e., Gujrat and assured the complainant that he will take her to
Gujrat after one month. But, subsequently, he telephonically



conveyed that he is not inclined to keep the complainant. It is further alleged that on 25.06.2011, all the accused persons snatched the jewellery and other articles of the complainant and drove her out from the matrimonial house and since then, she is residing at her parent's house.

It is submitted by learned Counsel for the petitioner that the petitioner admits his marriage with the complainant, having no issue. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour, though in the petition, it is alleged that the complainant has some illicit relationship with some other person. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That petitioner is still willing to keep the complainant of as wife with full respect and dignity.....”

It is further submitted that the petitioner filed Matrimonial Case No.207 of 2013 before the Principal Judge, Family Court, Dhanbad, for restitution of conjugal right. However, the petitioner is ready to take the complainant from the Court itself.

On instruction, it is submitted by learned Counsel appearing on behalf of the complainant that the complainant is



ready to accept the offer of the petitioner, but she is apprehensive due to past conduct of the petitioner as the petitioner used to keep the complainant at his native place instead of keeping her alongwith him at his place of work. In response thereof, the Counsel for the petitioner submits that the petitioner will keep the complainant wherever he resides. At present, he is not employed. So, for the present, he will keep the complainant at his native place, but whenever he gets employed he will take her to his place of employment. In such circumstances, the complainant is not opposing the prayer for bail of the petitioner for the present.

Considering the present stand of the parties in order to save the complainant from destitution and vagrancy with lurking hope that the issue may reconcile in future, let the above named petitioner be released on provisional anticipatory bail for four 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 Sub-Divisional Judicial Magistrate, Patna, in connection with Complaint Case No.3253C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) or, if the complainant fails to appear before the learned Court below (iii) or, if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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