

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36562 of 2016

Arising Out of PS.Case No. -1273C Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Abhinandan Roy, Son of Krishnaballabh Roy, Resident of Village-Hansa
P.S. Raniganj, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi, wife of Abhinandan Roy, daughter of Rajanand Roy,
village- Gunwanti Baghuwa tola, P.S.- Bounsi, District- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-07-2017 Heard learned counsel for the petitioner and Mr.J.N. Thakur, learned A.P.P. appearing on behalf of the State.

In pursuance to the notice issued to the complainant, opposite party no.2, vide order dated 24.08.2016, Mr. Ram Narayan Mahto, learned counsel, has appeared on behalf of the opposite party no.2. However, the application was earlier dismissed for non-compliance of the peremptory order dated 24.08.2016, but, it was restored vide order dated 12.04.2017, passed in Cr.Misc.No.16615 of 2017. The matter was adjourned on 25.04.2017, on the prayer of counsel for the opposite party no.2, for 16th May, 2017. But, on 16th May, 2017 and 30.06.2017, none appeared on behalf of the opposite party no.2. Today also,



none is appearing on behalf of the opposite party no.2.

The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The prosecution case got initiated with the filing of the Complaint Case No.1273C of 2015, in the Court of learned C.J.M., Araria on 22.05.2015, by the complainant/the opposite party no.2. The complainant alleged that she got married with the petitioner in April, 2014. The matrimonial life remained happy and peaceful for six months and thereafter, dowry demand of Rs.50,000/- and a motorcycle was made but for non-fulfillment of the same, the complainant was tortured, assaulted and starved and deprived of her clothing. On 02.04.2015 at 8.00 P.M., when the complainant was on her bed, an attempt was made by the accused persons to throttle her. The accused persons threatened the complainant that until the fulfillment of dowry demand of Rs.50,000/- and a motorcycle, they will not allow the complainant to reside in the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he



is still ready to keep the complainant as his wife with full dignity and honour. Statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows:-

“That it is stated and submitted that the petitioner-husband is ready to keep his wife Pratima Devi (Opposite Party no.2) with him with due care, honour and respect.”

Mr. J.N. Thakur, the learned A.P.P. appearing for the State submits that the petitioner is the husband of the complainant and the thrust of accusation is against him. However, since the petitioner is ready to keep the complainant with full dignity and honour, then, under such circumstances, the complainant should take a chance to reconcile the matter.

Considering the submissions of the counsel for the petitioner and learned APP, as well as the nature of accusation, the delay in lodging the complaint, as the last incident alleged in the complaint occurred on 02.04.2015, whereas the complaint was filed on 22.05.2015 and the present stand of the petitioner that he is ready to keep the complainant with full dignity and honour, let the petitioner, above named, be released on anticipatory bail 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 J.M.-1st Class, Araria in connection with Compliant Case No.1273C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order, in no way, will preclude the complainant to resume conjugal life. If she files an application to that effect, the learned court below will issue notice to the petitioner whereupon the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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