

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35904 of 2016

Arising Out of PS.Case No. -405 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ajit Yadav Son of Sri Baleshwar Yadav, Resident of village- Angpur, P.S.-
Chewara, District- Shekhpara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi Wife of Ajit Yadav, D/o Sri Ram Swaroop Yadav, at
present resident of Village- Kirtichak, P.S. Bhadaur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

05/ 02-03-2017

Heard learned counsels for the petitioner, State
and the complainant-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 Sections 498A, 494 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second marriage.

The petitioner and the complainant are present in
the Court.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a child and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That it is humbly stated and submitted here that as a matter of fact that the complainant herself left her matrimonial house on her sweet will, however, the petitioner is always ready to keep her with him with love and dignity.”

Though, name of one Mr. Prem Chandra Yadav, Advocate appears on behalf of complainant-opposite party no. 2 but he is not present with the complainant, though the complainant is present. On the joint prayer of the parties the matter was adjourned for today in order to reconcile the issue. The order dated 30.01.2017 reflects that the matter was adjourned since both petitioner and the complainant are residing together.

The complainant submits that she is, at present, residing with the petitioner in spite of the fact that the petitioner has performed second marriage and at present she has no complain against the petitioner. Hence, she is not opposing the prayer for anticipatory bail of the petitioner.

Considering the above facts, let the above named



petitioner be released on provisional anticipatory bail for six years, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Barh in connection with Complaint Case No. 405(C) of 2013, 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 the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reside with the petitioner; and (iii) or if the complainant to appear before the learned court.

(Dinesh Kumar Singh, J)

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