

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31077 of 2016

Arising Out of PS.Case No. -1637 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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1. Birju Prasad @ Biju Prasad son of Late Gautam Prasad resident of Village- Halud Colony Mihijam, Ward No.18, P.S.- Mihijam, District- Jamtara (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Devi wife of Sri Birju Prasad and D/o Sri Kant Mandal resident of Village- Halud Colony Mihijam, Ward No.18, P.S.- Mihijam, District- Jamtara (Jharkhand), at present residing at Village- Manjhabe, P.S. & District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 01-05-2017 Heard learned counsels for the petitioner, complainant 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 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.

It appears from the order dated 18.3.2017 that the petitioner admits his marriage in 2009 with the complainant and



birth of a baby girl. The petitioner claims to have filed Matrimonial Suit No. 24 of 2016 with a prayer for divorce though subsequent to filing of the complaint case on 10.9.2014 but it was alleged that it is the complainant who deserted the petitioner.

On the offer of the petitioner that he is ready to keep the complainant as wife with full dignity and honour though no statement to that effect has been made in the petition and the complainant having accepted the offer, the petitioner agreed to take the complainant from her parents' house on 29th March, 2017.

It is submitted by learned counsel for the petitioner that the complainant is residing with the petitioner since 29th March, 2017.

Learned counsel for the complainant is not controverting the stand of the petitioner but he is apprehensive due to the past conduct of the petitioner.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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, Jamui in connection with Complaint Case No. 1637 C of 2014 subject to the conditions as



laid down under Section 438(2) Cr.P.C.

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)

Anil/-

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