

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18925 of 2017

Arising Out of PS.Case No. -27 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

=====

Dipak Kumar, Son of Ashok Thakur, Resident of Village-Khaira, P.S.-
Saraiya, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, W/o Dipak Thakur, R/o Village-Nariyar Panapur, P.S.-
Minapur, District-Muzaffarpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Adv.

For the State : Sri Abhay Kumar – 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 19-08-2017 Heard learned Counsels for the petitioner and 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 offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. However, the complaint was filed with accusation under Sections 498A, 307, 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint is that the marriage of complainant-opposite party no.2 with the petitioner



was performed on 29.06.2012, but thereafter, demand of motorcycle was made and due to non-fulfillment of the same, torture was inflicted. Subsequently, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, though, specific statement to that effect has not been made in the petition. However, a statement has been made in paragraph no. 12 of the petition that the petitioner is ready to settle the dispute, which reads as follows:-

“That it is submitted that petitioner is ready to settle the dispute amicably.”

Similar was the stand of the petitioner before the learned Court below, which gets reflected from the impugned order.

It appears from the office note dated 18.08.2017 that complainant-opposite party no.2 has entered appearance through her Counsel, but today, on call, none is appearing on her behalf.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seven 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 SDJM (West), Muzaffarpur, in connection with Complaint Case No. 27/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

