

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37702 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -COMPLAINT CASE District- BANKA

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Vivek Prasad Singh @ Vivek Kumar Singh Son of Vijay Prasad Singh
Resident of Ganga Garden 507A, Mundwa, Pingale Basti, Near Park
Aainex, P.S. - Mundwa, District - Pune (Maharashtra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Anamika Kumari w/o Sri Vivek Prasad Singh resident of village -
Toygarh, P.S. Barbiga, District - Sheikhpura (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-01-2017 Heard Mr. P.K. Shahi, learned counsel for the petitioner,

Mr. Rajeev Ranjan Prasad, learned counsel for the complainant

and learned counsel 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 has been taken for the
offences punishable under Sections 498A/34 of the Indian Penal
Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of
the dowry demand.

The petitioner and complainant are present in the court.

It is submitted by the learned counsel for the petitioner



that the petitioner admits his marriage with the complainant. Though after filing of the present case the petitioner has filed Matrimonial Suit No. 670 of 2016 before the learned Family Court, Pune with a prayer for divorce but he is still ready to keep her with full dignity and honour. Statement to that effect has been made in para 8 of the petition which reads as follows:-

“That it is humbly submitted that the petitioner happens to be the husband of the complainant and is ready to keep his wife with full dignity and security.”

It is further submitted that the petitioner is ready to take the complainant from the court itself.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and is also ready to accompany the petitioner from the Court itself but she is apprehensive due to past conduct of the petitioner.

Considering the present stand of the parties, 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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Banka in connection with Complaint Case No. 139 of



2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected from the petitioner to allow the complainant to talk with her family members through phone.

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 failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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