

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42667 of 2016

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Mantu Sahu son of Arjun Saw.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Smt Pushpa Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-01-2017 Though, the matter has been listed under the heading

‘For Orders on Office Notes’ but since Mr. Vinod Kumar Sinha,

learned counsel entered appearance on behalf of opposite party

no.2, the matter is being taken up on merits.

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 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.

It is submitted by the learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
birth of two children. The petitioner is ready to keep the
complainant as wife with full dignity and honour, statement to that



effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is still ready to keep her with full love and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

It is submitted by learned counsel for the complainant that though the complainant is ready to accept the offer of the petitioner but she is apprehensive since in pursuance to the offer made by the petitioner before the learned court below the complainant went to matrimonial house but there she was being assaulted and thereby the petitioner is in habit of following the undertaking.

Both sides agree to appear before the learned court below on 7th of February, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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, Sherghati, Gaya in connection with Complaint Case No. 143 of 2015, 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 failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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