

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44104 of 2016

Arising Out of PS.Case No. -3531 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Birendra Singh S/o Jagdish Singh Resident of Village-Mirzapur, P.S.-
Mahua, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Mamta Devi W/o Birendra Singh, at Present D/o Ram Sagar Singh
village-Chakansir, P.O.-Sukki, P.S.-Patepur, District-Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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

04/ 27-02-2017

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 Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

The petitioner, complainant and the father of the
petitioner 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 three children. The petitioner is ready to keep the complainant and the children with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That admittedly the petitioner and the complainant being the husband and wife in course of leading conjugal life have given the birth of three sons, therefore, apparently the allegation of torture on account of nonfulfillment of the alleged demand of dowry is baseless, wrong and collusive one.

It is submitted that the wife of the petitioner, complainant of the instant case being under the pressure and influence of her parents have filed this case with wrong allegations and in spite of the fact that the petitioner wants to live and keep his wife with due respect dignity and all sorts of facilities in the matter of the family affairs even then she not inclined to live with him though the petitioner has been requesting the complainant to lead a matrimonial life with him.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is a bit apprehensive due to the 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 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, Hajipur, Vaishali in connection with Complaint Case No. 3531 of 2015, 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 reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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