

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29824 of 2016**

Arising Out of PS.Case No. -134 Year- 2015 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Vikash Kumar @ Vikash Kumar Choudhary son of Chandeshwar Chioudhary, Resident of Village- Rampur Chak Lala, P.S.- Jandaha, District- Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Priyanka Kumari, Wife of Sri Vikash Kumar Choudhary, Resident of Village- Rampur Chak Lala P.S.- Jandaha, District- Vaishali at present D/o Ashok Singh, village- Kanhaipur, Tola- Ganga Prasad, P.S.- Mokama, District- Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal APP

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

**ORAL ORDER**

4      09-03-2017                      Heard learned senior counsel for the petitioner.

However, none appears for the O.P. No. 2.

Notices were issued to O.P. No. 2 vide order dated 21.7.2016. Office note dated 26.10.2016 reflects that the notice issued under ordinary process to O.P. No.2 was served upon the learned counsel appearing for O.P. No. 2 before the learned court below. Thereafter vide order dated 27.10.2016 again notices were issued to O.P. No. 2 on present and correct address when the notice under ordinary process was again served upon the learned counsel appearing for O.P. No. 2 before the learned court below



but till date none is appearing for the O.P. No. 2.

In the circumstances, the notice issued to O.P. No. 2 is treated as deemed valid service.

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 Section 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 is also alleged that an attempt was made to administer poison to the complainant.

It is submitted by learned senior counsel for the petitioner that the complainant herself deserted the petitioner though the issue was mediated by the Panches. The mediation report with the signature of the Panchayat Mukhia, Sarpanch and others has been brought on record as Annexure 2. It is further submitted by learned counsel for the petitioner that the petitioner 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.

Considering the present stand of the petitioner and the fact that the complainant chose not to appear before this court, 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, Barh, Patna in connection with Complaint Case No. 134C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and make effort to get the issue reconciled.

The provisional bail of the petitioner will be confirmed by the learned court below if the matrimonial harmony is substantially restored. The learned court below will also confirm the provisional bail of the petitioner if the complainant fails to appear before the learned court below or if the complainant deliberately gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Anil/-

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