

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39613 of 2016

Arising Out of PS.Case No. -464 Year- 2013 Thana -COMPLAINT CASE District- LAKHISARAI

Ravish Kumar Son of Rajendra Mahto Resident of Village-Hussaina P.O.-
Paharpur, P.S.-Medni Chowki, District-Lakshisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Prachi Kumari @ Bibha Daughter Of Umesh Mahto, Wife of Ravish Kumar Resident of Village-Jhapani, P.S.-Medni Chowki, District-Lakhisarai

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 28-04-2017 Heard learned counsels for the petitioner,
complainant and the State.

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379, 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant



and birth of a male child. Since the complainant herself deserted the petitioner, hence petitioner has performed second marriage.

It is further submitted by learned counsel for the petitioner that petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife i.e. the complainant (opposite party no. 2) with full dignity and honour.”

It is submitted by learned counsel for the complainant that though the petitioner has performed second marriage but complainant is ready to resume the conjugal life since she, at present is, on the verge of destitution and vagrancy.

Both sides agree to appear before learned Court below on 8th of May, 2017, when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for four months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned



Sub-Divisional Judicial Magistrate, Lakhisarai in connection with
Complaint Case No. 464(C) of 2013.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities i.e. (i) On substantial restoration of the matrimonial harmony within a four months or (ii) If the complainant fails to appear before learned Court below or (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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