

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37840 of 2018

Arising Out of C. Case No.-335 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Md. Sunny, S/o Late Mahmood Alam @ Phultu, R/o Vill.- Hargwan, P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabina Praveen W/o Md. Sunny , R/o Vill.- Hargawan, P.S.- Sare District- Nalanda, At present D/o Md. Arshad R/o Mohalla- Pakky Talab, P.S.- Laheri , District- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Opposite Party/s : Smt Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsels for the petitioner and 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 being taken for the offences punishable under Sections 498A and 323/34 of the Indian Penal Code.

The prosecution case is that the complainant was married with the petitioner on 26.07.2015, but, subsequently, after three months of the marriage, further dowry demand of Rupees One Lac and a motorcycle was made and on non-fulfillment of the same, torture was inflicted upon her.



Ultimately on 31.03.2017, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and the birth of male child. In fact, the complainant herself deserted the petitioner. The petitioner is ready to keep the complainant as wife with full dignity and honour, a statement to that effect has been made in para 6 of the petition which reads as follows:-

“petitioner is ready to keep his wife,
complainant with full dignity and maintain her.....”

Considering the present stand of the petitioner, 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Biharsharif, Nalanda, in connection with Complaint Case No. 335C/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the



petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

