

Arising Out of PS. Case No.-967 Year-2016 Thana- PATNA COMPLAINT CASE District- Patna

... .. Petitioner/s

1. The State of Bihar.
2. Soni Singh, W/o Deepak Kumar Singh D/o Lakshman Prasad Singh, at present address (House of Bhabhi) Kiran Devi D/o Uma Shankar Singh new Panapur, P.S.- Akilpur, Danapur, Distt.- Patna.

... .. Opposite Party/s

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. Sri Dashrath Mehta

3 06-04-2018 Though, the matter has been listed under the heading
‘Orders on Office Notes’ awaiting the service report of the
notice issued to opposite party no.2, but since Mr. Jai Ram
Prasad, learned counsel has entered appearance on behalf of
opposite party no.2, the matter is taken up on merits.

Heard learned counsels for the petitioner,
complainant and State.

The petitioner being the husband of the complainant are apprehending 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 IPC and Sections 3/4 of the Dowry Prohibition Act.



The prosecution case got initiated with the filing of the complaint by Soni Singh, alleging therein that her marriage was performed with the petitioner, Dipak Kumar on 29.02.2012, but after six months of the marriage, further demand of dowry of Rs. 2 lacs was made and due to non-fulfillment of the same, torture was inflicted. Information to that effect was also given to the Gandhi Maidan Mahila Police Station and subsequently an application was submitted before the Chairman of State Women's Commission on 22.01.2016, wherein vide order dated 14.03.2016, the issue was reconciled between the parties, when it was undertaken by the petitioner that he will keep the complainant as wife with full dignity and honour, but ultimately the complainant was driven out from the matrimonial house on 05.09.2016, after being assaulted and snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue. The petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.9 of the petition which reads as follows:-

“That the petitioner always ready to keep the complainant with honour and dignity.”

The complainant is present in the Court. Learned counsel



for the complainant submits that the complainant is ready to accept the offer of the petitioner, though, she is apprehensive as the petitioner had made such undertaking earlier also, but he failed to comply such undertaking.

Both sides agree to appear before the learned Court below on 23rd of April, 2018, when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned SDJM, Danapur in connection with Complaint Case No. 967C of 2016, subject to the condition 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) if the issue is substantially reconciled between the parties, or (II) if the complainant fails to appear before learned Court below, or



(III) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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