

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36414 of 2018

Arising Out of PS. Case No.-633 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Arbind Bhagat, Son of Triveni Bhagat, Resident of Village- Akawani, Police
Station- Sonhan, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi, Daughter of Kesho Bhagat and Wife of Arbind Bhagat, Resident
of Village- Rajpur, Police Station- Rajpur, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Opposite Party/s : Sri Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 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 Section 4 of the Dowry Prohibition
Act.

As per the prosecution case, the marriage of the
complainant Anita Devi was performed with the petitioner
Arbind Bhagat on 16th June, 2012, but, subsequently, further
dowry demand of Rupees One Lac cash and a motorcycle was



made and on non-fulfillment of the same, torture was inflicted. Ultimately, on 20.01.2015, the complainant was driven out from the matrimonial house after snatching all her belongings.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child out of the wedlock. Earlier the petitioner filed Matrimonial Case No. 44 of 2016, before the Family Court, Kaimur, Bhabua for restitution of conjugal life, but anyhow, the issue got reconciled between the petitioner and the complainant. Thereafter, the complainant stayed for six months in the matrimonial house. Subsequently, the petitioner filed another Matrimonial Case No.77 of 2017 for restitution of conjugal rights, which is pending before the Family Court, Bhabua, Kaimur. The 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 9 of the petition which reads as follows:-

“.....he is still ready to keep the informant with full honour and dignity.”

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 SDJM, Bikramganj, Rohtas, in connection with Complaint Case No. 633 of 2016, 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)

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