

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29136 of 2017

Arising Out of PS. Case No.-590 Year-2014 Thana- SARAN COMPLAINT CASE District-
Saran

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Raushan Kumar, Son of Laliteshwar Mishra, Resident of Village- Sunderpur,
P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Kumari, wife of Raushan Kumar and daughter of Sri Jai Prakash Singh,
presently residing at Village- Hemantpur, P.S. Dighbara, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur
For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-06-2018 Heard learned counsels for the petitioner,

complainant and 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 379 of the IPC.

The prosecution case as per the complainant is that the marriage between the petitioner and the complainant was performed in the year 2010, and subsequently they were blessed with a female child, but after some time, the relationship between the petitioner and the complainant got strained, due to demand of additional dowry of Rs. 1,00,000/- and motorcycle



and due to non-fulfillment of the same, the torture was inflicted and ultimately, the complainant was driven out from her matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.14 of the petition, which reads as follows:-

“That it is also relevant to state here that the petitioner and his family members still wants to continue the relation and also wants to accept the complainant as wife and the petitioner is ready to keep her with full honour and dignity and there is no problem at all with to the end of the petitioner.”

It is further submitted that though the petitioner has also filed Matrimonial Suit No. 369 of 2014 for dissolution of marriage, but he is ready to withdraw that case, though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner and she is ready to resume the conjugal life.

Both sides agree to appear before the learned Court below on 30th of July, 2018 when the petitioner will take the complainant to keep her as wife with full dignity and honour.



Considering present stand of the parties, 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, Chapra in connection with Complainant Case No. 590 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The provisional bail of of the petitioner will be confirmed by the 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)

Amrend/Deepak

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