

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67841 of 2018

Arising Out of PS. Case No.-989 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

=====

Arbind Mukhiya, Son of Ramdeo Mukhiya, Resident of Village- Dumra,
Police Station- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nikiya Devi, Wife of Arbind Mukhiya, Daughter of Mahadeo Mukhiya,
resident of Village- Dumra, Police Station- Nauhatta District- Saharsa.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his 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 Indian Penal
Code.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was solemnized five years prior to the lodging of the case.
Subsequently, the complainant was blessed with a son but
thereafter, further dowry demand of one lakh rupees was made



and due to the non-fulfillment of the same, torture was inflicted and on 17.08.2017 the complainant was driven out from the matrimonial house after snatching her ornaments.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child, but he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is always ready to keep his wife and son with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or 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 the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 989C of 2017, subject to the conditions as laid down under Section 438(2) of the 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 her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail 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)

DKS/-

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

