

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38045 of 2018

Arising Out of PS. Case No.-358 Year-2017 Thana- COMPLAINT CASE District-
Kishanganj

=====

Saras Kumar Ganesh @ Saras Kumar S/o Sri Manik Chand Ganesh , R/o
Vill.- Tappu Hat, P.S.- Dighal Bank, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Radha Kumari D/o Durga Prasad Ganesh , R/o Vill.- Tappu Hat, P.S.- Dighal
Bank, District- Kishanganj.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kr Sinha No.2, Adv. Mrs. Lalita Kumari, Adv.
For the State	:	Mr. Anuj Kumar Srivastava
For the O.P. No.2	:	Mr. Alok Kumar Alok
	:	Mr. Santosh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-08-2018

Heard learned counsels for the parties.

The petitioner, being 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 under Sections 323 and 498A of the IPC.

The prosecution case, as per the complaint, is that the petitioner, on the pretext of promise of marriage established physical relationship with the complainant, but subsequently declined to marry her, as a result, the complainant lodged Kishanganj Mahila P.S. Case No. 02 of 2017 with accusation under Sections 376, 354, 354B and 504/34 of the IPC. In the said case, after investigation, final form was submitted and



thereafter petitioner was not sent up for trial, but the present complaint has been filed on 24.05.2017, wherein the complainant on solemn affirmation accepted the factum of her marriage with the petitioner performed in a temple, but subsequently, the petitioner did not take care of the complainant. Thereafter, the present complaint case was filed with accusation of torture for non-fulfillment of further dowry demand against the petitioner.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour though statement to that effect has not been made in the petition.

Mr. Santosh Kumar, learned counsel appearing for the complainant submits that the complainant is ready to accept the offer of the petitioner and on this ground, he is not opposing the prayer for bail.

In the circumstances, the petitioner and the complainant agree to appear before the learned Court below on 20.08.2018, when the petitioner will take the complainant to matrimonial house to keep her with full dignity and honour.

Considering the present stand of the parties, let



the petitioner above named be released on provisional anticipatory bail for a period of six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Kishanganj in connection with Complaint Case No. 358 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed 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)

anil/-

U			
---	--	--	--

