

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6627 of 2018

Arising Out of PS.Case No. -1697 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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Anand Sah S/o Narayan Sah, R/o Village- Darsana, P.S.- Jokihat, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Srimati Soni Devi W/o Anand Sah, D/o Kamal Prasad Sah, R/o Village- Rani Tola, Gopalpur, P.S.- Jokihat, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-02-2018

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 offence punishable under Section 498 of the Indian Penal Code.

The prosecution case is that the petitioner and his family members used to torture the complainant for non-fulfillment of additional dowry demand of a motorcycle and colour T.V. On 11.04.2016 the accused persons tried to set the complainant on fire after pouring kerosene oil and lastly on 20.08.2016, the complainant was assaulted and driven out from her matrimonial house.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. There is no documentary proof with regard to the torture of the informant by the petitioner. It is further submitted that the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

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

Considering the nature of accusation and present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his 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, Araria in connection with Complaint Case No. 1697C of 2016, 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 and 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 the learned Court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony, or (ii) if the complainant gets reluctant to reconcile the issue, or (iii) if the complainant fails to appear before the learned Court below, but the provisional will not be confirmed if the petitioner fails to appear or co-operate in restoration of the matrimonial harmony.

(Dinesh Kumar Singh, J)

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