

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6011 of 2019

Arising Out of PS. Case No.-607 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Subhash Kumar Son of Late Arun Kumar Thakur Resident of Village- Kalna,
P.S Basopatti, District Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Priya Priyambda, Wife of Subhash Kumar, Daughter of Lalan Kumar,
Resident of Village-Kalna, P.S. Basopatti District Madhubani at present
Kumarbagh Bela Chowk, P.S. Mithanpura, District Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the parties.

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 498A of the IPC and Section 4 of Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the marriage of the complainant with the petitioner was performed on 3.7.2014 but due to non-fulfillment of dowry demand of a car, torture was inflicted upon the complainant and ultimately she was driven out from the matrimonial house by the accused persons after snatching her belongings.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition which reads as follows:

“That from the impugned order it will be evident that it is the complainant who refused to go with the petitioner although the petitioner, as stated above, is ready to keep her with all dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below, which gets reflected from the impugned order and the petitioner has also filed Matrimonial Suit No. 79 of 2018 for restitution of conjugal rights.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for 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, East, Muzaffarpur



in connection with Complaint Case No. 607 of 2017 subject to the conditions laid down in 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 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)

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