

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6763 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

KAMLESH SAH, Son of Radha Kant Prasad, Resident of Village- Bijwani,
P.S. Jitna, District East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar AND ANR Bihar
2. Poonam Kumari @ Punam Kumari, Wife of Kamlesh Sah, Resident of Village-Bijwani, P.S.-Jitna, District- East Champaran, Motihari, at present residing at Bijwani, P.S.- Jitna, Ghorasahan, District- East Champaran, Motihari.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsels for the petitioner and the

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 Section 498A and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that marriage between the complainant, Poonam Kumari and the petitioner, Kamlesh Sah was performed on 19.04.2016. Subsequently, further dowry demand of Rs. 4 lacs was made for doing business and due to non-fulfillment of the same, torture



was inflicted upon the complainant. It is further alleged that Rs. 50,000/- was given to the petitioner by the family members of the complainant but they took the money and continued demanding the remaining amount of Rs. 3,50,000/- as dowry. Ultimately, after snatching all the belongings of the complainant, she was driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 9 of the petition which reads as follows:-

“9. That the petitioner is ready to keep the Complainant with full dignity and love but it is fact is that the Complainant herself does not want to live with her husband. She wants to live her naiher.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

Considering that present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 **A.C.J.M., Sikrahana (at Dhaka), Motihari**, in connection with **Complaint Case No.121 of 2018**, subject to the conditions as laid down under Section 438(2) 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 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)

Deepak/Rahul/-

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

