

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14946 of 2019**

Arising Out of PS. Case No.-1138 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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BIPIN KUMAR SINGH @ BIPIN KUMAR Son of Shivaji Singh Resident of
Village- Machhanahata, Post Office and Police Station- Durgawati, District -
Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rani Singh Wife of Bipin Kumar Singh Presently residing at Village- Diyari,
Post Office- Amaon Baraon, Police Station- Karamchat, District- Kaimur
(Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 08-05-2019 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 Sections 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that
the marriage of the complainant was performed with the



petitioner on 02.03.2012, but subsequent to the marriage, further dowry demand of a car was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. It is also alleged that due to torture inflicted by the in-laws family members of the complainant, including the petitioner, the pregnancy of the complainant got terminated and ultimately, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and there is no medical report on record to support the allegation with regard to termination of pregnancy of the complainant. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“....that the petitioner is/was
always ready to keep his wife with full
dignity and affection ...”

The petitioner and the complainant are present in Court.

Learned counsel for the complainant on instruction submits that the complainant is ready to accept the offer of the



petitioner, but she is apprehensive due to past conduct of the petitioner. It is further submitted that earlier also the petitioner had given similar undertaking, but after that, torture was inflicted upon the complainant.

Learned counsel for the petitioner further submits that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Both sides agree to appear before the learned Court below on 16th of May, 2019 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhabua, Kaimur in connection with Complaint Case No. 1138 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)

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