

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15785 of 2019

Arising Out of PS. Case No.-1236 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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SAMSUL MIYAN @ SAMSUL ANSARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR AND ANR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 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 Sections 498A and 323 of the IPC.

The prosecution case as per the complaint petition is that the marriage of the complainant with the petitioner was performed on 5.6.2014. The complainant was kept well for some time but subsequently, the torture was inflicted upon the complainant for non-fulfillment of dowry demands of a motorcycle and Fifty Thousand Rupees cash. It is further alleged that ultimately, on 27.4.2016, the complainant was driven out of her matrimonial house by the accused persons.

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 11 of the petition which reads as follows:

“That ultimately she appears to have virtually deserted him without rhyme and reason, and started living at her parental house without his consent, and now restortio of matrimonial relation and conjugal harmony cannot be expected, though the petitioner has kept his door open to welcome her and to keep her with dignity and honour, respect and comfort, security and safety even in his meager means.”

It is further submitted that similar was the stand of the petitioner before the learned court below and the petitioner has filed Matrimonial Case No. 12 M of 2018 for restitution of conjugal rights.

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 JM Ist Class, Bettiah, West Champaran in connection with Complaint Case No. C-



1236 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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