

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20016 of 2019

Arising Out of PS. Case No.-193 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Braj Kishore Singh Son of Nageshwar Prasad Singh Resident of Village -
Daulatpur Chandi, P.S.- Hajipur, Distt - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi D/o Awadhesh Singh Resident of Village - Goghraha,
(Shivpur), P.S.- Saraiya, Distt - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 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 IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner on 12.06.2015, but subsequent to the marriage, further demand of dowry of Rs. 20 lacs and a car was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the



petitioner and other in-law family members. Ultimately, the complainant was driven out from the matrimonial house by all the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That, it is respectfully stated and submitted that the petitioner is always ready to keep and maintain her with full honour and dignity...”

It is further submitted that earlier the petitioner was granted provisional anticipatory bail by the learned Sessions Judge on the undertaking of the petitioner that he will keep the complainant as wife with full dignity and honour, but due to apathetic attitude of the complainant, the matrimonial harmony between them could not be restored, hence the provisional bail of the petitioner was not confirmed.

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

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned SDJM, West Muzaffarpur in connection with Complaint Caes No. 193 of 2017, subject to the condition 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) 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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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