

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21066 of 2019

Arising Out of PS. Case No.-5296 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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MUKESH KUMAR Son of Late Bhola Nath Singh Resident of Village - Rampur Chai, P.S.- karpi, Distt.- Arwal, Presently residing at Flat No.E-205, Vaidyanath Apartment, Mahuatoli, Ambedkar Nagar, P.S.- Namkum, Ranchi. (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Aparna Kumari Wife of Mukesh Kumar, D/o Sri Anil Kumar, Resident of Village - Usari Dih, P.s.- Mehandia, Distt.- Arwal , Presently residing at Mohalla- Birla Colony, P.s.- Fulwarishariff, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-05-2019 Heard learned counsels for the petitioner, complainant 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 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner on 28.04.2016, but subsequent to the marriage, further dowry demand of Rupees Ten Lac was made and due to non-fulfillment



of the same, torture was inflicted upon the complainant. Ultimately, on 02.12.2017, the accused persons drove out the complainant from the matrimonial house after snatching all her belongings.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“..... and is always ready to keep his wife with full dignity and honour.”

It appears from the order dated 05.04.2019 that it was submitted on behalf of the complainant that though the complainant is ready to accept the offer of the petitioner of resuming the conjugal right, but she is apprehensive that the petitioner is making such offer only in order to get the privilege of bail.

This Court vide order dated 05.04.2019, on joint prayer of the parties, directed the matter to be listed on 25.04.2019, but somehow the matter, could not be listed. Today, the petitioner is not present, however, complainant is present. Though it is submitted by learned counsel for the petitioner that



the petitioner's stand is clear that he is 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, Patna in connection with Complaint Case No. 5296C 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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