

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75022 of 2018

Arising Out of PS. Case No.-536 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sri Ram Sah, Son of Late Gannu Sah, Resident of Village- Kanu Vishanpur,
Police Station- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi, Wife of Sri Ram Sah and Daughter of Upendra Sah, Resident of Village- Kanu Vishanpur, Police Station- Khanpur, District- Samastipur and Presently residing at Village- Maniyarpur, Police Station- Warisnagar, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Md. Arif

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 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 323, 341, 504 and 498A/34 of the IPC.

The prosecution case, as per complaint petitioner, filed by Babita Devi, is to the effect that marriage between the petitioner and the complainant was performed, but subsequently, further dowry demand of motorcycle was made and for non-fulfillment of the same, the complainant was tortured, and ultimately on



16.10.2016, the complainant was driven out from the matrimonial house after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the 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 stated that the petitioner is husband of the complainant and he is ready look after complainant with full dignity and honour.”

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

Learned APP submits that 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 Judicial Magistrate, 1st Class, Samastipur in connection with Complaint Case No. 536 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 her 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)

Amrendra/-

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