

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39423 of 2019

Arising Out of PS. Case No.-355 Year-2014 Thana- COMPLAINT CASE District- Supaul

SUSHANT KUMAR THAKUR Son of Rajendra Thakur Resident of Village-
Sansarpur, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Rubi Kumari Wife of Sushant Kumar Thakur, Daughter of Shivanand Thakur Resident of Mohalla- Nagar Parisad, Supaul, Ward No. 2, P.S. and District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 15-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 355 (C)/2014, disclosing offences under Sections 498(A), 323, 504, 379, 120B of the Indian Penal Code.

Petitioner happens to be husband of complainant and allegation against him is of subjecting the complainant to torture with respect to demand of dowry.

Submission of learned counsel for the petitioner is that allegation is false and concocted and he is still ready to keep her with full honour and dignity.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has



submitted that complainant is also ready to reside with the petitioner, if she is kept with full honour and dignity.

Having heard both sides, considering the facts and circumstances and also the fact that it is a matrimonial dispute between the parties, this application is disposed of with direction to the petitioner and the complainant to appear before the concerned court below on 26.11.2019 and if the petitioner files an affidavit that he is ready to keep the complainant with himself with full honour and dignity and if he is willing to take the complainant with himself from the court itself, the court below shall release the petitioner on provisional bail for a period of nine months to his own satisfaction and in the meantime, the court below will watch the conduct of the parties by calling the complainant and petitioner in the third week of each month for a period of nine months and after nine months, if the court below is satisfied with the conduct of the parties specially the conduct of the petitioner, he will confirm the provisional bail of the petitioner otherwise, he is free to pass any order including cancellation of provisional bail of the petitioner.

It is made clear that on appearance of both the parties, if the petitioner is not ready to keep the complainant or not ready to take the complainant from the court, in such a situation, there



is no need of granting benefit of provisional bail to the petitioner.

It is also made clear that if the complainant fails to appear on the above mentioned date and on appearance she is not ready to reside with the petitioner without any cogent reasons, in that situation also, the petitioner shall be released on bail.

(Vinod Kumar Sinha, J)

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