

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48123 of 2019

Arising Out of PS. Case No.-1157 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Ajay Kumar @ Ajay Kumar Soni Son of Late Dilip Kumar Swarnkar
Resident of Mohalla-Hanuman Nagar Near Janta Chowk, P.S.-Kahar, District-
Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Kumari D/o Ganesh Prasad Sah, Wife of Ajay Kumar Soni
Resident of Mohalla-East Gorhatta Road, P.S.-Mauza Hidpur, District-
Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Pancha Nand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 498A, 323/34 of the
Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed 24.11.2012 but subsequent to the marriage, there
was further dowry demand of a motorcycle and due to non-
fulfillment of further dowry demand, torture was inflicted upon



the complainant by the petitioner and other in-laws family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner happens to be husband of the complainant and he is ready to keep her with him but she is herself not ready to live with the petitioner.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 93 of 2016 before learned Principal Judge, Family Court, Purnea on 14.06.2016 for restitution of conjugal rights.

Considering the present stand of the petitioner, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1157 of 2016, subject to the conditions as



laid down under 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 her matrimonial house 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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