

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47969 of 2019

Arising Out of PS. Case No.-382 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

AMITAV KUMAR @ AMIT PASWAN, Son of Late Kamlesh Paswan
Resident of Village- Mari, P.S.- Wen, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babita Kumari, wife of Amitav Kumar @ Amitav Paswan, Daughter of Chamru Paswan Resident of Village- Wenipur, P.O.- Rasisa P.S.- Aungari, District- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Veena Rani Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 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 Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that the complainant Babita Kumari was married with the petitioner Amitav Kumar @ Amitav Paswan on 24.02.2018, but subsequent to the marriage, further dowry demand of Rupees One Lac was made and due to non-fulfillment of the same,



torture was inflicted upon the complainant. Ultimately on 05.06.2018, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

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

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 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, Nalanda at Hilsa in connection with Complaint Case No. 382C of 2018, subject to the conditions as laid down under Section 438(2) 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 keep her as wife with full dignity and honour.

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)

Ashwini/-

U		T	
---	--	---	--

