

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47910 of 2019**

Arising Out of PS. Case No.-144 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

SHIV KUMAR SAH S/o Naresh Sah Resident of Village- Kelabari, P.S.-
Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Soniya Devi W/o Shiv Kumar Sah, D/o Permanand Sah Resident of Village-
Jharna Tola, P.O.- Kehuniya, P.S.- Pranpur, District- Katihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

=====

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 Sections 498A/34 of the IPC.

The prosecution case, as per the complaint petition is to the effect that the marriage of the complainant was performed with the petitioner on 09.05.2014, but subsequent to the marriage, further demand of dowry of Rs. 1 lac, a motorcycle and a gold chain was made and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-law family members.



Learned counsel for the petitioner submits that the petitioner admits his marriage with 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. 9 of the petition, which reads as follows:-

“That it is humbly stated and submitted that the petitioners ready to keep the complainant (wife) wife full done honour and dignity which she deserves being a legally wedded wife.”

Learned APP submits that the 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 ACJM-VI, Katihar in connection with Complainant Case No. CA 144 of 2019, 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 the complainant 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 substantially get restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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

