

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76161 of 2018

Arising Out of PS. Case No.-166 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Anand Kumar Yadav @ Anand Yadav, S/o Sri Vijay Yadav, R/o Village-
Loharchak, P.S. Kutumba, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ruby Devi, D/o Baban Singh R/o Village- Karamkila, P.S. Barun, District-
Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-04-2019 Heard learned counsel for the petitioner and the

State.

The petitioner, being the husband of the complainant, is apprehending his arrest in connection with Complaint Case No.166 of 2018 registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition of Rubi Devi submitted to the Chief Judicial Magistrate, Aurangabad is to the effect that the marriage of the complainant was performed with the petitioner in the year 2017 but subsequent to the marriage, further demand of dowry of Rupees



Two lakhs was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members. Subsequently, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep her as wife with full dignity and honour, though the statement to that effect has not been made in the bail petition. The petitioner is still ready to reconcile the issues and ready to keep the complainant with dignity.

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner. However, she is ready to make effort to get the issue reconciled.

The order dated 21.12.2018 reflects that the petitioner and complainant were present in Court and both were ready to live together but when the petitioner went to bring the complainant from her parental house, she declined to come to matrimonial house and did not make any effort to reconcile the issue whereas it is submitted by the complaint that no sincere efforts was taken by the petitioner for reconciliation of his conjugal right.



Considering the present stand of the parties, keeping in view the fact that the same will at present save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner be released on provisional anticipatory bail for six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Aurangabad in connection with Complaint Case No.166 of 2018, 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 on 16th April, 2019, the petitioner agree to take her to keep 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 informant fails to appear before the learned Court below, or (iii) if the informant deliberately gets reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)