

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75184 of 2018

Arising Out of PS. Case No.-396 Year-2016 Thana- COMPLAINT CASE District- Banka

Pradip Das, Son of Gulaili Das, Resident of Village- Sajour, P.S.- Sajour,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi, Wife of Pradip Das, Resident of Village- Sajour, P.S.- Sajour,
District- Bhagalpur. at present address- Daughter of Bharat Das, Resident of
Village- Pawai, P.S.- Amarpur, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 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 498 (A) of the I.P.C. and Section 4 of the Dowry Prohibiton Act.

The prosecution case is that marriage between the complainant and the petitioner was performed about two years prior to lodging of the present case. Subsequently, for 5-6 months the complainant remained in her in-laws house and thereafter, further dowry demand of Rs. 50,000/-, one



motorcycle and one cow was made and due to non-fulfillment of the same torture was inflicted upon her. Ultimately, on 15.04.2016 after snatching all the belongings the complainant was driven out from her matrimonial house.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. A statement to that effect has been made out in paragraph no. 7 of the petition which reads as follows:

“7. That petitioner happens to be husband of Complainant and is always ready to keep her with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

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 **S.D.J.M., Banka** in connection with **Complaint Case No. 396 of 2016**, 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)

Deepak/Rahul/-

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