

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1168 of 2020

Arising Out of PS. Case No.-70 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Anil Kumar @ Anil Kumar Sinha Son of Ashok Singh @ Ashok Kumar Singh
Resident of Village - Amarut, P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sempri Kumari/Devi Wife of Anil Kumar Daughter of Shri Bimlesh Singh,
Resident of Village - Amarut, P.S.- Dobhi, District - Gaya, at present resident
of Village - Kusha, P.S.- Obra, District - Aurangabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mrs.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2020 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 323, 379, 498A of the

Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is

that the marriage between the complainant and the petitioner

was performed 17.05.2011 but the torture was inflicted upon the

complainant immediately after the marriage and thereafter, the

issue was reconciled, but again after some time, further demand



of Rs.50,000/- was made and for non-fulfillment of the same, torture was again inflicted upon the complainant and driven out from the matrimonial house.

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 9 of the petition, which reads as follows:-

“That the petitioner was/is always ready to keep his wife/O.P. No. 2 with full dignity and regard and also ready to settle the dispute if any.”

It is further submitted that the petitioner has also filed Matrimonial Suit No. 414 of 2018 for restitution of conjugal rights which is pending before the learned Principal Judge, Family Court, Bokaro, Jharkhand.

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 Sub-divisional Judicial Magistrate, Daudnagar, District -



Aurangabad in connection with Complaint Case No. 70 of 2018, 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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