

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20620 of 2020

Arising Out of PS. Case No.-2075 Year-2017 Thana- COMPLAINT CASE District- Araria

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SAMBHU THAKUR Son of Shivanand Thakur Resident of Village -
Khabdah, Kennaili, P.S.- Narpatganj, Dist.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Shambhu Thakur, D/o Jai Prakash Thakur Resident of
Village - Sukhi Sisiya, P.S.- Forbesganj, Dist.- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.



Heard learned counsel for the petitioner and 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 offence punishable under Section 498A of the IPC.

The prosecution case, as per the complaint case, is to the effect that the complainant was married with the petitioner about five years prior to the filing of the present complaint, but subsequently, further dowry demand of a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by all the accused persons including the petitioner, leading to filing of the complaint case.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the 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. 13 of the petition which reads as follows:

“That it is stated that the petitioner always ready to keep her with full dignity and honour.”

Learned counsel for the state submits that the thrust of accusation is against the petitioner, being the husband of the complainant.

Considering the present stand of the petitioner as



quoted above to the effect that the petitioner is ready to keep the complainant as wife with full dignity and honour, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned SDJM, Araria in connection with Complaint Case No. 2075 (c) of 2017.

Let the learned Court below issue notice the complainant and on her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within a period of six months 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, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, Araria in connection with Complaint Case No. 2075 (c) of 2017.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next six months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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