

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79427 of 2019

Arising Out of PS. Case No.-415 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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PREM SAH, Son of Mahesh Sah, Resident of Village -Saidpur, Police
Station-Nawkothe, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Kumari, Wife of Prem Sah, Daughter of Biranchi Sah Resident of
Sankh, Police Station-Begusarai Muffasil, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 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 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant, Kavita
Kumari is to the effect that she was married with the petitioner
on 04.05.2016, but subsequent to the marriage, there was further
dowry demand of Rupees One Lac and due to non-fulfillment
of the same, torture was inflicted upon the complainant.



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. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner undertakes that he will keep the complainant as wife with full dignity and honour.”

It is submitted by learned APP for the State that the thrust of accusation is against the petitioner being husband of the complainant.

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 SDJM, Begusarai, in connection with Complaint Case No.415C of 2017, 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 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)

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