

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86567 of 2019

Arising Out of PS. Case No.-1702 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Ajay Kumar Jha, Son of Rohit Kumar Jha, Resident of Village-Faint
Kamalpur, P.S.-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ruchi Kumari Daughter of Shri Birendra Jha Resident of Road No.2, Janki
Nagar, Hanuman Nagar, P.S.-Patrakar Nagar, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar Choudhary

For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2020 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 Section 498A of the Indian Penal
Code and Section 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 03.06.2015 but subsequent to the marriage
further dowry demand of Rs.Fifty Lacs was made and for non-
fulfillment of the same, torture was inflicted upon the



complainant.

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 12 of the petition, which reads as follows:-

“That in fact, the husband of the complainant namely Ajay Kumar Jha is ready to restore his matrimonial discord and is ready to keep the complainant with him with full respect and dignity. H has also filed the case for restitution of conjugal rights under section 9 of the Hindu Marriage Act bearing Case No. 217 of 2019 pending before Madhubani Civil Court.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order. The petitioner has also filed Matrimonial Suit No. 217 of 2019 for restitution of conjugal rights.

Considering the nature of accusation and 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, Patna in connection with Complaint Case No. 1702(C) 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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