

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48485 of 2014

Arising Out of PS.Case No. -1726 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Ranjeet Mahto Son of Badri Mahto Resident of Village - Sirsa, P.S -
Lalganj, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pano Devi W/o Ranjeet Mahto , D/o Hari Kishore Mahto Resident of
Village - Sirsa, P.S- Lalganj , District - Vaishali at present Village - Gidhha,
P.S- Saraiya, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 02-07-2015 Heard.

The petitioner husband of the complainant and married to her only three years prior to the filing of the complaint petition seeks an order under Section 438 Cr.P.C. in connection with Complaint Case No.1726 of 2013 presently pending before a Magistrate of Ist Class in Muzaffarpur vide Trial no.4317 of 2014.

The allegation against the petitioner was that after being married to the complainant, he started putting pressures upon her to bring additional dowry in the form of a motorcycle and a gold chain which demand was not fulfilled and, as such, she was firstly tortured and thereafter ousted from her matrimonial house.

Submission of the learned counsel appearing for the petitioner is that the allegations being false and concocted, he was still ready to take the lady back to his family fold.

Let the petitioner surrender and pray for regular bail before the Magistrate in whose court the above noted complaint case for trial may be pending. The court below shall admit the petitioner to bail by accepting the bond provisionally and shall fix a date and issue a notice to the complainant on an address appearing in the complaint petition for her appearance on that particular date. The factum of the issuance of notice may also be communicated to the counsel of the complainant who should be appearing in the trial court. The other step should be taken to ensure the service of the notice through the police station in whose jurisdiction the lady is presently residing.

On appearance of the parties before it, the court below shall strive to find out the reasons for the subversion of the marriage by talking jointly and individually to the spouses in his Chambers and should try to bring them to reconcile to their already married status. If need be, adjournments may also be granted and the provisional acceptance of the bonds may be extended from time to time accordingly. If the matter is reconciled and parties decide to bury their hatchet, then the bond shall be

confirmed. In case, the petitioner was found putting up stiff conditions which may not be acceptable to a reasonable person, then his bond shall be cancelled and he shall be remanded to custody. Likewise, if the lady takes a difficult position and puts some unreasonable conditions to accompany her husband, then in that case the bond shall be confirmed.

This petition stands disposed of in the above terms.

(Dharnidhar Jha, J)

B.Kr./-Saif

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