

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49835 of 2015

Arising Out of PS.Case No. -1266 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Shyamlal Mandal S/o Late Paro Mandal resident of Village-
Raghunathpur, P.O. Ghorghat, P.S. Bariyarpur District- Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi, D/o Shyamsundar Mandal resident of Village- Janidih
Kulkuliya, P.S. Kahalgaon District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Hirday Prasad Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 29-10-2015 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 in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 148, 323, 307, 379, 498A, 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits the 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 para- 7 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant giving all due regards and facilities.”

Moreover, it is further submitted that the learned court below had referred the matter to the Mediation Centre, where initially the complainant was ready to resume the conjugal life and accepted the offer of the petitioner, but subsequently she refused to reside with the petitioner as she does not like the petitioner. It appears from the order dated 18.08.2015 and 21.08.2015 of the learned court below which has been brought on record as Annexure-2.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his 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, Bhagalpur in connection with Complaint Case No. 1266 of 2014, 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 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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