

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17738 of 2016

Arising Out of PS.Case No. -1211 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Sringwan Kumar @ Shreeman Mandal, son of Late Keshav Mandal,
resident of Village-Maohuddipur, P.S.-Nathnagar, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari, D/o Mahendra Mandal resident of Village- Banshipur,
P.S.- Kahalgaon, Distt- Bhagalpur.

.... Opposite Party/s

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with

Criminal Miscellaneous No.13965 of 2016

Arising Out of PS.Case No. -1211 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Anant Kumar son of Late Keshav Mandal,
 2. Masomat Reshma Devi @ Savitri Devi W/o Late Keshav Mandal All
are the resident of Village- Maohuddipur, P.S.- Nathnagar, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari, D/o Mahendra Mandal resident of Village- Banshipur,
P.S.- Kahalgaon, Distt- Bhagalpur.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.17738 of 2016)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

(In Cr.Misc. No.13965 of 2016)

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016

The petitioner Sringwan Kumar @ Shreeman
Mandal(Cr. Misc. No. 17738 of 2016) being husband of the
complainant and petitioners Anant Kumar and Masomat

Reshma Devi @ Savitri Devi(Cr. Misc. No. 13965 of 2016) being brother and mother of the husband of the complainant are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioners on instruction that petitioner Sringwan Kumar @ Shreeman Mandal admits his marriage with the complainant and 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. The relevant portion of which reads as follows:-

“That it is humbly stated
and submitted that petitioner who is the unfortunate
husband of the O.P. No. 2 is already ready to keep
her.....”

It appears from the impugned order that similar was the stand of the petitioners before learned Court below. The complainant appeared before learned court below and was ready to resume the conjugal life but all the petitioners kept themselves absent from the Court itself.

Keeping in view the present stand of the petitioner Sringwan Kumar @ Shreeman Mandal, let the



petitioner, Sringwan Kumar @ Shreeman Mandal, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for four months on furnishing bail bond 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. 1211 of 2013.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner Sringwan Kumar @ Shreeman Mandal will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner Sringwan Kumar @ Shreeman Mandal will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of four months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

It is made clear that provisional bail of the petitioner Sringwan Kumar @ Shreeman Mandal will not be confirmed if the petitioner fails or gets reluctant to comply the undertaking given before this Court.

It is submitted on behalf of petitioners Anant

Kumar and Masomat Reshma Devi @ Savitri Devi that thrust of accusation is against the husband of the complainant and petitioners have no objection in allowing the complainant to enjoy her share of property in the matrimonial house.

Considering the aforesaid facts, let the petitioners Anant Kumar and Masomat Reshma Devi @ Savitri Devi(Cr. Misc. No. 13965 of 2016), in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1211 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners Anant Kumar and Masomat Reshma Devi @ Savitri Devi shall be accepted on filing separate affidavit that they will allow the complainant to enjoy her share of property in the matrimonial house. It is expected from the learned Court below to get the said affidavit transmitted to the concerned police station.

(Dinesh Kumar Singh, J)

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