

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25128 of 2016

Arising Out of Complaint Case No. -775 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Shailesh Kumar Mahto @ Shailesh Kumar, son of Harendra Mahto

.... Petitioner/s

Versus

1. State of Bihar
2. Sita Devi, wife of Shailesh Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Pradip Narayan Kumar(App)

For the complainant : Mr. Basant Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-08-2016

Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is languishing in custody since 18.04.2016 in a case registered for the offences punishable under sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act wherein process has been directed to be issued after cognizance being taken.

Basic accusation is of torture for non-fulfillment of dowry demand.

Earlier vide order dated 14.06.2016, the petitioner was granted provisional bail by a co-ordinate Bench of this Court on readiness to keep the complainant as his wife with him as well

as the infant child with full dignity, honour and security and also takes care of their needs.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and still he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition, which reads as under :-

"That the petitioner is still ready to keep the complainant as his wife with full love and dignity but the complainant herself not ready to leave with the petitioner."

It is submitted by learned counsel for the complainant that though the petitioner was granted provisional bail on readiness to keep her but he failed to comply the undertaking given before a co-ordinate Bench of this Court. However, the complainant is ready to resume the conjugal life.

Both sides agree to appear before the learned court below on 19th September, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the provisional bail granted to the petitioner vide order dated 14.06.2016 in connection with Complaint Case No.775/2014, pending before the learned SDJM, Saran at Chapra is hereby

extended uptill 8th of November, 2016.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (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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