

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46574 of 2016

Arising Out of Complaint Case No. -1378 Year- 2014 Thana -NAWADAH COMPLAINT CASE
District- NAWADA

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Upendra Manjhi, son of late Kanhai Manjhi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"That it is submitted that the petitioner is ready to keep

his wife with full love and affection"

It is further submitted that the petitioner denies the factum of second marriage. A statement to that effect has been made in paragraph no.7 to the petition, which reads as under :-

"That, it is submitted that petitioner has never assaulted and demanded any dowry from the complainant and whole allegation is baseless and wrong, and petitioner has not performed 2nd marriage."

It appears from the impugned order that the matter was settled in mediation but since no compromise petition was filed in pursuance to the mediation, hence, the prayer for bail of the petitioner was rejected.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nawada in connection with Complaint Case No.1378/2014, subject to the conditions as laid down under Section 438(2) 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 keep her as wife with full dignity and honour.

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.

The provisional bail of the petitioner will not be confirmed by the learned Court below, if substantive proof comes that the petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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