

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17803 of 2016

Arising Out of PS.Case No. -1225 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

=====

Pramod Mandal, S/o Late Jagdish Mandal, r/o Dharhara P.S. Banmanakhi,
District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Ranju Devi, W/o Pramod Mandal r/o Dharhara, P.S. Banmanakhi, District-
Purnea, currently residing at d/o Ramdeo Prasad Mandal r/o Pakariya, P.S.
Udakishunganj, District Madhepura.

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016

Heard learned counsels for the petitioner and

the State.

The petitioner being husband of the complainant is apprehending his arrest in a Complaint Case wherein cognizance has been taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that earlier the Complainant filed Udakishunganj P.S. Case No. 73 of 2013 with accusation under Sections 341,342, 323, 452, 354, 509 and 498A of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act wherein the petitioner has been granted bail on the basis of a compromise. It is alleged that after

the compromise torture was again inflicted for non-fulfillment of dowry demand of Rs. 5 lacs.

It is submitted that the petitioner admits the marriage with the complainant and has filed Matrimonial Suit No. 38 of 2014 for restitution of conjugal rights but the complainant has not appeared. The petitioner is still ready to keep the complainant with decency. Statement to that effect has been made in para-16 of the petition which reads as follows:

“16. That even after all these the petitioner is ready and eager to keep the opposite party no. 2 and sustain her to the best of his financial capacity provided she is ready to stay with the petitioner peacefully and with decency.

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 arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Udakishunganj, Madhepura in connection with Tr. No. 4148 of 2014 arising out of Complaint Case No. 1225 of 2013, subject to

the conditions as laid down under Section 438 (2) 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 by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

S.Pandey/-

U		T	
---	--	---	--