

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9819 of 2017**

Arising Out of PS.Case No. -1123 Year- 2015 Thana -VAISALI COMPLAINT CASE District-  
VAISHALI(HAJIPUR)

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Pankaj Chaudhary, S/O- Chulhai Chaudhary, R/O. Village - Nayar, P.S. -  
Chaklall Sahi, District - Samastipur.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Kajal Devi @ Kajal Kumari, W/O- Pankaj Chaudhary, R/O-Village-  
Nayar, P.S. Chaklall Sahi, District- Samastipur, D/O- Munilal, R/O- Ihrachim  
Bajipur, P.S. - Desari, (Sahdeo O.P.), District - Vaishali.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha  
For the Opposite Party/s : Mr. Sri Madan Kumar

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

6      19-08-2017                      Heard learned counsels for the petitioner and the State.

However, none appears on behalf of opposite party no.2.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

The prosecution case, as per the complaint petition, is that the petitioner got married with the complainant on 10.03.2014, but subsequent to the marriage, there was further demand of motorcycle as dowry and due to non-fulfillment of the same, the complainant was assaulted and tortured.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 5 of the petition, relevant portion of the same reads as follows:-

“That.... the petitioner is ready to keep her with dignity.”

It appears that the matter was referred to the Mediation and Conciliation Centre of the Patna High Court, vide order dated 27.04.2017. The report of the mediator dated 24.05.2017, kept at flag-‘B’, suggests that the issue could not be reconciled through the process of mediation.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seven 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Vaishali at Hajipur in connection with Complaint Case No. 1123 of 2015, 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 for her appearance and make efforts to reconcile the issue through mediation once again.

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 gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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