

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49349 of 2015

Arising Out of PS.Case No. -2384 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Chandan Yadav, s/o Atawari Yadav, resident of village - Babhni P.S. -
Dagarua, Distt. - Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi W/o Chandan Yadav F/o - Tumai Yadav Vill. + P.O. -
Babhni, , P.S. - Dagarua, Distt. – Purnea, present address-Sakin-Kanhariya,
P.S.-Dagarua, District-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s : Mr. Md.Nazir Ansari (App)

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

ORAL ORDER

5 17-07-2017 Heard learned counsel for the petitioner and Mr.J.N.
Thakur, learned A.P.P. appearing on behalf of the State. However,
none appears for the complainant.

The petitioner, being the husband of the
complainant, is apprehending his arrest in a complaint case,
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Sections 498A, 307
and 120B of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

The prosecution case got initiated with the filing of
Complaint Case No.2384 of 2014, in the court of learned C.J.M.,



Purnea on 03.7.2014. The complainant alleged that she got married with the petitioner on 14.06.2010. The matrimonial life remained happy for a year, but thereafter demand of dowry of Rs.1,00,000/- was made and for non-fulfillment of the same the torture was inflicted. On 11.11.2012, at about 9.00 P.M., all the accused persons poured petrol on the body of the complainant while this petitioner set fire, as a result of which, she received severe burn injuries. The complainant was taken by her parents to Sadar Hospital, Purnea where she was treated for about two months.

The parents of the complainant were threatened during the course of treatment at hospital, as a result, no case was lodged. Subsequently, the complainant came to her parents' house, where the petitioner and other accused persons assured to resolve the issue after complete recovery of the complainant. At the parents' house, the complainant gave birth to a male child. Thereafter, on 05.04.2014, accused persons came to the parents' house of the complainant and again began demanding Rs.1 lac. On 28.06.2014, reconciliation took place, but the accused persons declined to bring the complainant to her matrimonial house until the fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioner



that the petitioner admits his marriage with the complainant and birth of a male child. The complainant received burn injury, as per her own admission on 11.11.2012 at 9.00 PM, whereas the complaint case was filed on 03.07.2014. There is no medical report on record with regard to the burn injury. From the impugned order passed by the learned Sessions Judge, Purnia, it appears that on the basis of the photographs with regard to burn injuries available on the record, it was presumed that burn injury was caused by the petitioner and his family members. As per the complaint petition, the complainant is residing at her parents' house since 11.11.2012, the date on which she received burn injuries, but the filing of the complaint petition on 03.07.2014 prima facie suggests that she received burn injuries, if any, at her parents' house. The petitioner filed Matrimonial Suit No.73 of 2013 on 30.04.2013, with a prayer for divorce and thereafter present complaint was filed on 03.07.2014. The petitioner is still ready to keep the complainant as his wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That the petitioner is ready to abide by the rules and conditions imposed by this Hon’ble Court and also ready to keep the complainant with full dignity and honour.”



Though the matter was adjourned at the behest of the counsel for the complainant on 09.05.2017 and on 22.06.2017, but none appears on behalf of the complainant.

Mr. J.N. Thakur, the learned A.P.P. appearing for the State submits that the petitioner is the husband of the complainant and the thrust of accusation is against him. However, he admits that the complaint has been filed after about eight months of the alleged incident of causing burn injuries.

Considering the delay in lodging the complaint as also the fact that despite several adjournments being granted, the counsel for the complainant failed to bring any medical report on record to suggest that the complainant received burn injury, the impugned order also does not suggest any medical report was produced before learned Sessions Judge, coupled with the present stand of the petitioner that he is still ready to keep the complainant as his wife with full dignity and honour, let the petitioner above named be released on anticipatory bail 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 Chief Judicial Magistrate, Purnia in connection with Compliant Case No.2384 of 2014, subject to the



conditions as laid down under Section 438(2) Cr.P.C.

The present order, in no way, will preclude the complainant to resume conjugal life. If she files an application to that effect, the learned court below will issue notice to the petitioner and the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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