

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70116 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Raju Kumar Sah, S/o Surendra Prasad Sah @ Surendra Sah, R/o Village-
Lauriya Mishra Tola, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Surabhi Kumari, W/o Raj Kumar Sah D/o Vinod Kumar, R/o Village-
Lauriya Mishra Tola, P.S.- Lauriya, District- West Champaran at Present
Chanpatiya Ward NO. 7, P.S.- Chanpatiya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

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 Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed on 04.12.2015 but subsequently, for non-
fulfillment of further dowry demand, torture was inflicted on her
by the petitioner and other in-laws family members.

It is submitted by learned counsel for the petitioner



that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant and similar was his stand even before the court below.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order. The petitioner has also filed Matrimonial Suit No. 817 of 2018 for restitution of conjugal rights which is pending before the learned Principal Judge, Family Court, Bettiah, West Champaran and the complainant has also filed Maintenance Case No. 16M of 2018 with a prayer of maintenance before the same Court.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. However, the complainant apprehends that the offer of the petitioner is not bonafide and the petitioner is making this offer in order to obtain bail from this Court.

However, both sides agree to appear before the learned Court below on 15th of January, 2019 when the petitioner will take the complainant to her matrimonial house to



keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 28C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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)

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