

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6369 of 2018

Arising Out of PS. Case No.-58 Year-2016 Thana- MAHILA P.S. District- Madhubani

Md. Manjar, Son of Md. Samid, resident of Village- Loaam, P.S.- Sadar
Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. SRI ANAND KISHORE CHOUDHARY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the petitioner and State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 324, 325, 354, 307, 379 and 498A/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with the filing of Complaint Case Nos. 119/114 of 2016, which ultimately got registered as Madhubani Mahila P.S. Case No. 58 of 2016, after the complaint being transferred under Section 156(3) of the Cr.P.C. The prosecution case is that the informant was married with the petitioner in the year 2008. After some time, the accused persons started demanding further dowry of Rs. 50,000/- and due to non-fulfillment of the same, the informant



was assaulted. The accused persons also attempted to kill the informant by causing burn injury. Though, the issue was reconciled by the Panchayat, but thereafter, the informant was again tortured and assaulted and after snatching jewellery, she was driven out from matrimonial house.

It is submitted by learned counsel for the petitioner that demand of dowry after six years of marriage appears to be unreasonable. Admittedly, no injury was caused to the informant. The petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no.7 of the petition, which reads as follows:-

“That the petitioner is always ready to keep her with full honour and dignity and maintain her according to his capacity but informant....”

Considering the nature of accusation, particularly demand of dowry after six years of marriage and 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/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 like amount each to the satisfaction of learned SDJM, Madhubani in connection with



Madhubani Mahila P.S. Case No. 58 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned court below issue notice to the informant for her appearance and make effort to reconcile the issue.

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 informant fails to appears before the learned Court below (iii) or if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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