

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37744 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Niranjan Rajak, Son of Lal Babu Rajak @ Lal Bahadur Rajak, Resident of
Village- Nandanpura, P.S.- Makhdumpur (Tehta), District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi, Wife of Niranjan Rajak, Resident of Village- Nandanpura, P.S.-
Makhdumpur (Tehta), District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Smt. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018

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 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the informant, Seema Devi is to the effect that her marriage was performed with the petitioner on 19.06.2006, subsequently, the couple were blessed with two female children, but thereafter torture was inflicted upon her for non-fulfillment of further dowry demand of Rs. 5,00,000. It is further alleged that she was also driven out of her matrimonial house.

It is submitted by learned counsel for the petitioner



that the petitioner admits his marriage with the informant and birth of two children. It is the informant who deserted the petitioner and there is no medical opinion on record supporting the accusation of assault. 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. 07 of the petition which reads as follows:-

“That the petitioner is husband of the informant and he is ready to keep the informant with honour and dignity.”

It is further submitted that same was the stand of the petitioner before the learned Court below, which gets reflected from the impugned order.

Learned counsel for the informant submits that since she was assaulted earlier, hence, she is apprehensive from reconciling the issue, however she wants to resume the conjugal life reluctantly provided she is not being assaulted.

Considering the rival submission of the parties it appears that there is consistent stand of the petitioner that he is ready to keep the informant which also gets reflected from the impugned order which reads as follow:

“Both the petitioner as well as the informant appeared



before the court. The petitioner stated that he is ready to keep his wife. Whereas, the informant refused to live with the petitioner. So, reconciliation could not be succeeded between them.”

But in spite of that before the learned Court below the informant declined to resume the conjugal life, but before this Court she is ready to resume the conjugal life.

Both sides agree to appear before the learned Court below on 16th of July 2018, when the petitioner will the informant with full dignity and honour.

Considering the present stand of the parties, 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 S.D.J.M., Jehanabad, in connection with Makhdumpur (Tehta) P.S. Case No. 42 of 2018, subject to the condition 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



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

The provisional bail of the petitioner will not be confirmed if the complainant produces evidence in support of her being assaulted by the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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