

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57853 of 2018

Arising Out of PS. Case No.-734 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Saroj Yadav @ Lalit Yadav, Son of Pulkit Yadav, Resident of Ram Nagar, PS-
Aread Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Kumari, W/o Saroj Yadav @ Lalit Yadav, D/o Yamuna Prasad, R/o
Paliwarkis, P.S.- Ramnagar, Distt- Madhuban.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-11-2018 Heard learned counsel for the petitioner, learned
counsel for the complainant-opposite party no. 2 and Mr. J.N.
Thakur, learned counsel 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 Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint is that the
marriage between the petitioner and the complainant was
performed on 21.05.2014 but subsequently, further dowry
demand of a Sumo car was made and due to non-fulfillment of



the same the torture was inflicted on the complainant and subsequently, the issue was reconciled between the parties but after some time the accused persons after snatching her belongings, drove her out from the matrimonial house, leading to filing of the complaint petition.

The petitioner and the complainant are present in the Court.

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, though, statement to that effect has not been made in the petition.

From the impugned order it appears that similar submission was made before the learned Court below when the complainant appeared and expressed her willingness to resume the conjugal life but petitioner declined to take her to matrimonial house.

However, it is submitted that now the petitioner has changed his stand and is ready to keep the complainant as wife with full dignity and honour.

Learned counsel for the complainant submits that the complainant is ready to accept the offer, but she is apprehensive



that petitioner is making such misleading statement only in order to obtain the bail.

Considering the rival submissions of the parties, this Court is inclined to allow the parties to make effort to resume the conjugal .

Both sides agree to appear before the learned Court below on 10th of December, 2018 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 six 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 Sub-divisional Judicial Magistrate, Madhubani in connection with C.R. No. 734 of 2017, subject to the conditions as laid down under Section 438(2) 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.

However, the provisional bail will not be confirmed by the learned Court below if the petitioner fails to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

