

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36400 of 2018

Arising Out of PS. Case No.-1320 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

Uma Shankar Choudhary, Son of Sh. Panna Lal Choudhary, resident of 17,
Digha Ghat, Pati Pul, Police Station- Digha District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bharti Devi, Wife of Sh. Uma Shankar Choudhary, daughter of Sh. Vyash Choudhary, resident of Kurtha, Police Station- Khusrupur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 06-10-2018

Heard learned counsels for the parties.

The petitioner, being the husband of the complainant, is apprehending 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 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition filed by Bharti Devi, O.P. No. 2 is to the effect that marriage between the petitioner and the complainant was performed in 2009, but after the few days of the marriage, torture was inflicted and the complainant was being assaulted on non-fulfillment of dowry demand. However, after one and half year of the marriage, the couple was blessed with a child, but the



accused persons continued inflicting torture on the complainant. It is alleged that on 22.10.2013, after brutally assaulting the complainant, the accused persons driven her out of the matrimonial house and on 24.10.2013 all the accused persons came to the house of parents of the complainant and made assault.

The petitioner and the complainant O.P. No. 2 are present. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. It is further submitted that the petitioner is still ready to keep the complainant and her child with dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:-

“.... However, the petitioner is still ready to live together and maintain the opposite party No. 2 with full dignity as wife.....”

Learned counsel for the petitioner further submits that the Matrimonial Case No. 5241 of 2014 was filed on behalf of the petitioner with a prayer for divorce which was dismissed and the said order of dismissal was challenged in Misc. Appeal before this Court which too has been dismissed. Hence, the petitioner is not inclined to pursue the matter any further.



Learned counsel for the complainant, on instructions, submits that the complainant is ready to accept the offer of the petitioner. However, both sides agree to appear before the learned Court below on 29.10.2018, when the petitioner will take the complainant and her child to her matrimonial house and keep them with full dignity and honour. It is further submitted that the complainant will file an appropriate application before the learned Court below with regard to the issue being reconciled in the present complaint within a period of four weeks.

Considering the present stand of the parties, in order to save the complainant and her child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna City in connection with Complaint Case No. 1320C of 2013 subject to the conditions laid down in 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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