

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36091 of 2018

Arising Out of PS. Case No.-1349 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Lallu Yadav @ Lalo Yadav, S/o late Yadu Yadav, Resident of Village-
Hasanpur (Naima), P.S. Ghoshi (O.P Okari), Distt- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Kumar W/o Lallu Yadav@ Lalo Yadav, D/o Brijnandan Prasad R/o
Village- Banoli, Police Station- Silaw, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-09-2018

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 got initiated with the filing of the Complaint Case No. 1349C of 2016 by Sanju Kumari, O.P. No. 2., to the effect that she was married with the petitioner in 2004. She went to her in-laws' house for the second time in 2006, when she was accorded and kept with



dignity and honour. For a year, but thereafter the petitioner developed illicit relationship with his sister-in-law (Bhabhi) Janti Devi and began making further demand of dowry of Rupees Fifty Thousand and a motorcycle and due to non-fulfillment of the same torture was inflicted upon her. The complainant fell ill and subsequently she was taken to her parent's house. Thereafter, on 15.12.2016 the accused persons came to the house of complainant's parent and reiterated the demand of Rupees One lakh and a motorcycle and threatened to assault. Consequently, on examination of the complainant on S.A. and recording the statement of other enquiry witnesses, cognizance was taken under Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant/ O.P. No. 2 with full dignity and honour. But complainant/ O.P. No. 2 is not ready to live with her husband. She wants to live in her naihar because



she is issuess. When the petitioner refused to live in his Sasural then this false case has been lodged by O.P. No. 2 .”

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer, but she is a bit apprehensive due to past conduct of the petitioner.

However, both sides agree to appear before the learned Court below on 27th September, 2018, when the petitioner will take the complainant to her matrimonial house and keep her with full dignity and honour.

Considering the present stand of the parties, in order to save the complainant 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, Nalanda at Biharsharif in connection with Complaint Case No. 1349C of 2016 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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