

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36170 of 2018

Arising Out of PS. Case No.-2307 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Manohar Dubey @ Ishwar Dubey, S/o Ramchandra Dubey, R/o Gora Bahuarwa, P.S.- Shanichari, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi, W/o Manohar Dubey @ Ishwar Dubey, R/o Gora Bahuarwa P.S.- Shanichari District West Champaran presently R/o D/o Deepnarayan Thakur Village Sugaon P.S.- Sugauli, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

For the Informant : Mr. Pramod Kumar Pandey

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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.

The prosecution case is that the marriage of the complainant was solemnized with the petitioner on 17.05.2011, but, thereafter, for non-fulfillment of dowry demand of Rupees One Lakh and a motorcycle, the torture was inflicted and ultimately, on 19.11.2016, the complainant was driven out from the matrimonial house.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child. It is further stated that the petitioner is ready to keep the complainant -O.P. No.2 as wife with full dignity and honour., statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That the petitioner is still willing and ready to keep the opposite party no. 2 with full honour and dignity.....”

In pursuance to the notice issued vide order dated 28.06.2018, the O.P. No. 2 has entered appearance. Learned counsel for the complainant submits that the complainant -O.P. No. 2 is ready to accept the offer of the petitioner. However, both sides agree to appear before the learned Court below on 29th October, 2018, when the petitioner will take the complainant and her male child to her matrimonial house and keep them with full dignity and honour.

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 JM 1st Class, Motihari, East Champaran in connection with Complaint Case No. 2307 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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