

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6517 of 2018

Arising Out of PS. Case No.-2790 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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Fagu Kumar Manjhi @ Fagu Manjhi, Son of Late Phekan Manjhi, R/o
Village- Belkunda, P.S.- Jalalpur, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi, W/o Fagu Kumar Manjhi, D/o Sheo Mangal Manjhi, R/o Village-
Karinga Mushahri, Gobardhana Das Pokhara, P.S.- Chapra Muffasil, Dist-
Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP
For Opposite Party No.2	:	

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

- 3 06-04-2018 Heard learned Counsel for the petitioner and learned
APP for the State. However, none appears on behalf of opposite
party no.2.

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 Indian Penal
Code.

Complaint Case No. 2790 of 2015 was filed by Soni
Devi to the effect that her marriage was performed with the



petitioner on 11.06.2017 as per the Hindu Rites, but subsequent to the marriage further demand of motorcycle, colour TV and Rs.30000/- was made and for non-fulfillment of the same, the torture was inflicted. On 21.08.2015, the parents of the complainant went to the in-laws house of the complainant and tried to resolve the issue, but this could not be done.

Learned counsel for the petitioner submits that the marriage of the petitioner with the complainant is an admitted fact. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity and honour”.

This Court vide order dated 02.02.2018 directed issuance of notice upon opposite party no.2. The office note dated 05.04.2018 reflects that ordinary process of notice was served upon the lawyer of opposite party no.2, but in spite of valid service of notice, the complainant chose not to appear.

Learned Counsel for the petitioner further submits that the complainant has already performed second marriage. He has drawn attention of this Court to the document dated



05.01.2015, as contained in Annexure-2, through which, the complainant has admitted that she has divorced the petitioner.

Learned APP for the State submits that there is accusation of torture levelled against this petitioner.

Considering the nature of accusation and the stand of the petitioner that he is ready to keep the complainant as wife with full dignity and honour, 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 SDJM, Saran at Chapra, in connection with Tr. No. 2502 of 2017, arising out of Complaint Case No. 2790 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the complainant appears and accepts the offer of the petitioner, or



(ii) if the matrimonial harmony is substantially restored, or (iii) if the complainant fails to appear before the learned Court below.

(Dinesh Kumar Singh, J)

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