

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37852 of 2018

Arising Out of PS. Case No.-780 Year-2014 Thana- COMPLAINT CASE District- Supaul

Ganpat Mandal, S/o Dahin Mandal, R/o Vill.- Pariyahi, P.S.- Chhatapur,
District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shalo Devi, W/o Ganpat Mandal, D/o Khokha Mandal, At present R/o Vill.-
Laxminiya, P.S.- Triveniganj, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsels for the petitioner and the

State.

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 and Section 4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner about ten years prior to filing of the complaint, but, subsequently, further dowry demand of Rupees Twenty Five Thousand and a buffalo was made and on non-fulfillment of the same, torture was inflicted upon her. Ultimately, on 30.06.2014, the complainant was



driven out from the matrimonial house after snatching her all belongings. It is also alleged that the petitioner is having illicit relationship with one Kalawati Devi.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. In fact, the complainant has herself deserted the petitioner. 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 11 of the petition which reads as follows:-

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

Considering the present stand of the petitioner, 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, Supaul, in connection with Complaint Case No.780C/2014, 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 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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