

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36252 of 2018

Arising Out of PS. Case No.-138 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Nandu Patel, Son of Nagendra Patel, Resident of Village/Mohalla- Sahdewa,
Police Station- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Heeramati Devi, Wife of Nandu Patel, D/o Nagendra Patel, Resident of Village- Sahdewa, Police Station- Raxaul, District- East Champaran, Presently residing at Village/Mohalla- Ram Nagar, P.S.- Simranand, District- Bara Nepal.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the Opposite Party/s : Mr. Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 12-10-2018 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 323 and 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition filed by O.P. No. 2, Heeramati Devi is to the effect that her marriage with the petitioner was performed in the year 2009. Subsequent to marriage there was further demand of dowry of motorcycle and the complainant was pressurized to get Nepali citizenship for the petitioner. The couple was blessed with two



children, but the complainant was subjected to torture, due to non-fulfillment of dowry demands. On 23.05.2017 the accused persons attempted to kill the complainant and ultimately they drove her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children though in the impugned order it has wrongly been recorded that there are three children. The petitioner is still ready to keep the complainant and the two children with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:-

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

On the basis of the aforesaid submissions this Court vide order dated 28.06.2018 issued notice to O.P. No. 2.

Learned counsel for the complainant O.P. No. 2 submits that the complainant is ready to accept the offer. However, both sides agree to appear before the learned Court below on 5th November, 2018, when the petitioner will take the complainant and her children 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 children 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, Raxaul at Motihari in connection with Complaint Case No. 138 of 2017 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)

anil/-

U			
---	--	--	--

