

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36226 of 2018

Arising Out of PS. Case No.-322 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Lalan Mandal @ Lalan Kumar, Son of Shree Bhola Mandal, Resident of Village- Arraha, Post Office- Kamaldah, Police Station and District- Supaul, at present Naya Bazaar, Ward No.3, Police Station and District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Kumari, Wife of Lalan Mandal @ Lalan Kumar, Daughter of Dinesh Mandal, Resident of Village- Gosala Chouk, Ward No.4, Murliganj, Police Station- Murliganj, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad
For the Opposite Party/s	:	Mr. Mustaque Alam, APP
For O.P. No. 2	:	Mr. Abhay Kumar 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. 322 of 2017 by Jyoti Kumari, O.P. No. 2. The complainant has alleged that she was married with the petitioner, Lalan Mandal on 23.05.2011. Subsequently, the petitioner demanded Rupees Ten Thousand for certain work



from the father of the complainant. The said money was given to the petitioner through complainant by her father, but subsequently further demand of motorcycle was made but due to non-fulfillment of the same the complainant was assaulted. The demand of dowry by way of Rupees one lakh and a motorcycle was reiterated and due to non-fulfillment of the same, attempt was made on the life of the complainant. On 05.06.2017 the complainant without informing her parents went to the in-laws' house where she found another lady, with whom the petitioner has performed second marriage.

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 8 of the petition which reads as follows:-

“That the petitioner is husband of the complainant and ready to keep her wife with full satisfaction and love and others are in laws.”

It is further submitted that the petitioner has not performed the second marriage, though statement to that effect has not been made in the petition. The learned Magistrate has also not taken cognizance under Section 494 of IPC.



Learned counsel for the complainant submits that though the complainant is apprehensive about the second marriage performed by the petitioner, but she is ready to accept the offer of the petitioner provided that the petitioner takes her to her matrimonial house and from there to the place of his work at Delhi.

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 from there to the place of work at Delhi to 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, Madhepura in connection with Complaint Case No. 322 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)

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