

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62132 of 2018

Arising Out of PS. Case No.-2032 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Jangalu Das @ Janglu Das, Son of Buddhu Das, Resident of Village- Sola Baghar, Police Station- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, Wife of Jangalu Das @ Janglu Das, Daughter of Dinesh Bishwas, Resident of Village- Ufrail, P.O.- Sagrath, P.S.- Kadwa, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-11-2018 Heard Mr. Pravin Chandra Prasad, learned counsel

for the petitioner and Mr. Nagendra Prasad, learned counsel for

the State.

The petitioner, being the husband of the complainant, preferred present Cr. Misc. application with a prayer for anticipatory bail in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

It appears that vide order dated 08.10.2018, notices were issued to the complainant-opposite party no. 2. The office note dated 28.11.2018 reflects that registered cover of notice has



been received by complainant-O.P. No. 2, however, service report of ordinary process of notice has not been received, but none is appearing on behalf of complainant-opposite party no. 2.

Considering the notices as deemed valid service, the matter is taken up for hearing on merits.

The prosecution case is that the marriage between the petitioner and the complainant was performed about 1 ½ years prior to the filing of the complaint which was filed on 12.09.2017. After the marriage, for six months the complainant was treated well and thereafter she was being tortured for making protest for assault and for non-fulfillment of further dowry demand of Rs.50,000/- for purchase of a motorcycle. Ultimately the father of the complainant went to her matrimonial house to reconcile the issue but the father of the complainant and complainant were driven out from the matrimonial house, leading to filing of complaint petition.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with



full dignity, love, care and affection.”

Similar was the stand of the petitioner before the learned Sessions Judge, as gets reflected from the impugned order of the learned Sessions Judge but the same was declined by the complainant as the complainant was apprehensive due to past conduct of the petitioner and the fact that the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage and statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the O.P. No. 2 has got false information that the petitioner has married another lady.”

Considering the nature of accusation, the present of the petitioner of keeping the complainant as wife with full dignity and honour coupled with the fact that in spite of valid service of notice complainant chose not to appear before this Court, let the above named petitioner be released on bail anticipatory bail 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 Additional Chief Judicial Magistrate-IV, Katihar in connection with C.A. Case No. 2032 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, if the complainant so wishes to resume the conjugal life and files an application to that effect before the learned Court below, then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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