

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37578 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

RAVI SHANKAR PRASAD SRIVASTAVA @ RAVI SHANKAR
SRIVASTAVA S/o Uma Shankar Prasad Srivastava, @ Umashankar Pd. R/o
Vill.- Kudhani (In front of Thana), P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mona Kumari W/o Ravi Shankar Prasad Srivastava, R/o Vill.- Kudhani, P.S.- Kudhani, District- Muzaffarpur, At present D/o Ashok Kumar, R/o Vill.- Purani Dharamshala Compound, P.S.- Town, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsels for the parties.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 341,323 and 498A/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report submitted by Mona Kumari to the Senior Superintendent of Police, Muzaffarpur is to the effect that the informant's marriage was solemnized with the petitioner on 25.5.2013 but after some time she was subjected to torture for non-fulfillment of further dowry demand of Rupees Two Lacs. The informant was subsequently blessed with a female child, thereafter the demand



of further dowry intensified.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and it is the informant who deserted the petitioner. The petitioner is still ready to keep the informant 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 it is humbly submitted that the informant was never driven out from her matrimonial house rather she fled away from her matrimonial house along with her all belongings whether the petitioner is still ready and willing to live with informant and her children at his native village and to serve his parents.”

It is further submitted that the informant has filed Matrimonial Suit No. 404 of 2017 with a prayer for divorce.

Considering the present stand of the petitioner and in order to give one more opportunity to the informant to make an effort to reconcile the issue, 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, West,



Muzaffarpur in connection with Mahila P.S. Case No. 65 of 2017 subject to the conditions laid down in Section 438(2) of the 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 learned court below will take effort to mediate the issue.

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 informant fails to appear before the learned court below, or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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