

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4146 of 2019

Arising Out of PS. Case No.-2063 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Sanjiv Mandal @ Sanjiv Kumar Mandal, (Male, age about 43 years), Son of
Birbal Mandal, Resident of Village - Kali Prasad, P.S.- Pirpainti, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sabita Devi, agae 35 years, femail, Wife of Sanjiv Mandal @ Sanjiv Kumar
Mandal Resident of Village - Rani Diyara, P.S.- Buddhuchak, District-
Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 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 Sections 498A and 323/34 of the IPC
and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is to
the effect that the marriage of the complainant was performed
with the petitioner in the year 1997. Subsequently, the
complainant was blessed with four children, but subsequently,
the complainant was tortured by the petitioner and other in-laws



family members and on 15.08.2016, the complainant was assaulted mercilessly by the petitioner and other in-laws family members. It is further alleged that on 29.10.2016, the petitioner came to parents' house of the complainant and assaulted her and also took the children and belongings of the complainant.

Learned counsel for the petitioner submits that the accusation has been levelled after about 19-20 years of the marriage. The petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 13 of the petition, which reads as follows:-

“That petitioner is still ready to live with his wife & children”

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life, but she is apprehensive due to past conduct of the petitioner.

Both sides agree to appear before the learned Court below on 11th of February, 2019, when the petitioner will take the complainant as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Bhagalpur in connection with Complaint Case No. 2063 of 2016, subject to the condition as laid down under 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 conjugal life between the parties substantially resumes, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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