

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10633 of 2019

Arising Out of PS. Case No.-1123 Year-2016 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Mritunjay Paswan, son of- Late Shukdeo Paswan, Resident of village-
Bhagwanpur (kova) Pakdi, P.S. Lalganj, Distt. Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamita Devi @ Babita Devi, Wife of- Mritunjay Paswan, D/O-Manju Paswan Residing at Road No-15, Railway Line Indrapuri, Durga chawk, Patna as well as Residing at C/O Ramsurat Paswan Village-Jafrabad-Lalganj , District-vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shantanu Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-04-2019 Heard learned counsel for the petitioner and the

State.

The petitioner, being the husband of the complainant, is apprehending his arrest in connection with Complaint Case No.1123 of 2016 (Tr. No.2162 of 2018) registered for the offences punishable under Section 498A/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition of Mamita Devi @ Babita Devi submitted to the Chief Judicial Magistrate, Vaishali at Hajipur is to the effect that the marriage of the complainant was performed with the petitioner on



10.05.2006 but subsequent to the marriage, further demand of dowry of Rs. 51,000/- and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep her as wife with full dignity and honour, though the statement to that effect has not been made in the bail petition. It is further submitted that the petitioner has filed matrimonial suit No.92 of 2016 for dissolution of marriage but issue was resolved between the parties. However, in the matrimonial suit, issue has been framed on 10.01.2018 whereas cognizance of the present complaint has been taken on 31.10.2018. The petitioner is still ready to reconcile the issues and ready to keep the complainant with dignity and in the circumstances, he is ready to withdraw the matrimonial suit, if the issue gets substantially reconciled.

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner and the filing of matrimonial suit. However, she is ready to make effort to get the issue reconciled.



Considering the present stand of the parties, keeping in view the fact that the same will at present save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner be released on provisional anticipatory bail for six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Hajipur at Vaishali in connection with Complaint Case No.1123 of 2016 (Tr. No.2162 of 2018), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant and on her appearance on 16th April, 2019, the petitioner will take her to keep as wife with full dignity and honour.

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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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