

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9538 of 2019

Arising Out of PS. Case No.-129 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Prahalad Sah, aged about 38 years, Male, S/o Late Gauri Sah village-
Chandraha Rupwaliya, P.S-Bathwariya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr. Bihar
2. Indu Devi, W/o Prahalad Sah, D/o Chandrika Sah village-Sirbhauni, P.S-
Bhairoganj, District-West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 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 Section 498A of the IPC and Sections 3/4 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 about nine years prior to the filing of the present complaint, but subsequent to the marriage, due to non-fulfillment of the further dowry demand of Rs. 1 lac, the



complainant was being assaulted and tortured by the petitioner and other in-laws family members.

Learned counsel for the petitioner submits that 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. 6 of the petition, which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep her with due dignity and honour.”

It is further submitted that the complainant is not ready to reside with the petitioner. In fact, the complainant has performed second marriage with one Gauri Gour.

Considering the present stand of the petitioner, 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 ACJM, Bagaha, West Champaran in connection with Complaint Case No. 129C of 2016, 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, the petitioner will take the



complainant to keep her 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 conjugal life 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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