

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10605 of 2019**

Arising Out of PS. Case No.-371 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Ganesh Kumar Poddar, son of Shankar Poddar, Resident of -136, D-1,
Kailash Nagar Jajmau Kanpur, Shiwans Tenrai, Kanpur Nagar, U.P.- 208010.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari Wife of Ganesh Kumar Poddar, Daughter of Uma Shankar Poddar Resident of -136, D-1, Kailash Nagar Jajmau Kanpur, Shiwans Tenrai, Kanpur Nagar, U.P.- 208010, at present resident of Bakhari Bazar, P.S.- Bakhri (Rampur), District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rai Mukesh Sharma
For the Opposite Party/s : Mr.Rabindra Kumar

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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.371C of 2017 registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of complainant, Pratima Kumari, submitted to Chief Judicial Magistrate, Begusarai is to the effect that the marriage of the complainant was performed with the petitioner on 03.03.2014



but subsequent to the marriage, further demand of dowry of Rs. 2 lakh 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. On 06.02.2017 after snatching all the belongings, the complainant was driven out from the matrimonial house.

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, statement to that effect has been made in paragraph no.15 of the petition, which reads as follows :-

15.“That it is humbly submitted that petitioner is ready to keep the O.P. No.2 as his wife as full dignity, love and affairs.”

It appears from the impugned order that initially the petitioner was ready to keep the complainant as wife with full dignity and honour, but subsequently, he declined to keep the complainant.

The learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner. Both sides agree to appear before the Court below.



Considering the present stand of the petitioner, let the above named petitioner be released on provisional 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., Begusarai in connection with Complaint Case No.371C of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Both the sides are ready to appear before the Court below on 15th April, 2019 and on their appearance, the petitioner will take her to keep as wife and the minor child 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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