

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12549 of 2019**

Arising Out of PS. Case No.-269 Year-2017 Thana- COMPLAINT CASE District- Supaul

PRADEEP PASWAN Son of Brahamdeo Paswan Resident of Village -
Saurajan, fulkahi, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR AND ANR Bihar
2. Arti Devi Wife of Pradeep Paswan, D/o Ramsevak Paswan Resident of
Village - Litiyahi, P.S.- Pipra Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 24-04-2019 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, 494 and 379 of the
Indian Penal Code.

The prosecution case as per the complainant is that
the complainant was married with the petitioner on 07.03.2014,
but subsequent to the marriage, there was further dowry



demand of a cow and cash amount of Rs.10,000/- and due to non-fulfillment of the same, torture was inflicted upon the complainant by the in-law family members. However, the complainant was blessed with a male child, but ultimately she was driven out of the matrimonial house. It is further alleged that when the father of the complainant went to the in-law's house of his daughter to reconcile the issue then he was conveyed that the petitioner has performed second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a male child. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“10.That the petitioner is husband of complainant and he is ready to keep his wife with all the respect and love.”

It is further submitted that though the cognizance has been taken under Section 494 of the IPC also, but the petitioner has not performed second marriage. Though statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant has definite information that the petitioner has



performed second marriage, but she reluctantly accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 14.05.2019, when the petitioner will take the complainant to keep her 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 four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Supaul in connection with Complaint Case No.269C of 2017 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

However, the provisional bail of the petitioner will not be confirmed by the learned Court below, if the complainant produces definite proof with regard to the second



marriage of the petitioner and in that eventuality, the petitioner
will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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