

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13754 of 2019

Arising Out of PS. Case No.-731 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Pramod Sah, Son of Bindhyachal Sah, Resident of Village - Sahuar, P.S.-
Kargahar, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi, Wife of Pramod Sah, Resident of Village - Sahuar, P.S.- Kargahar,
Distt.- Rohtas, Presently Village- Sahmal Khaira, P.O.- Balthari, P.S.-
Kochas, Distt.- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 731-C of 2017, disclosing

offences under Section 498A of the Indian Penal Code and

Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his

wife-opposite party no.2 to cruelty with respect to demand of

dowry.

Submission of learned counsel for the petitioner is

that as he is residing at Kolkata and he is ready to keep her with

dignity and care at Kolkata. Even in the mediation center, he has

given proposal, but she was not ready to go with the petitioner

and due to that, mediation failed.

Heard learned APP as well as learned counsel for the



opposite party no.2 also, they have submitted that opposite party no.2 is also ready to go with the petitioner but as she was not knowing where she will be taken by the petitioner, as such, she refused to go.

On perusing the mediation report also, which disclosed that mediation failed in spite of best and sincere efforts made by the mediator.

Having heard both sides, considering the above facts and circumstances, as stated above, let the petitioner, above named, surrender before the learned court below by 08.08.2019 and on that day the opposite party no.2 shall also remain present in the Court, and further on filing of an affidavit by the petitioner that he is ready to keep her with dignity and care and ready to take her with the address and phone number of his residence at Kolkata, the learned court below shall release the petitioner on provisional bail for a period of six months. During that period, both the parties shall appear in the second week of every second month before the learned court below, so that their marital relationship and conduct may be watched by the court concerned. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the court below shall confirm the bail



bonds of the petitioner otherwise, he is free to pass any other orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

It is also made clear that if the opposite party no.2 is not ready to go with the petitioner, in that case, also the petitioner shall be released on bail to the satisfaction of the court concerned.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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