

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20017 of 2019

Arising Out of PS. Case No.-837 Year-2015 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Shankar Mandal Son of Parikshan Mandal Resident of Village-Kaithiniya,
P.S-Lakhanaur, District-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibha Devi Daughter of Umakant Mandal, Resident of Village-Behat, P.S
District-Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 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 offence punishable under Section 498A of the IPC.

The prosecution case is that the marriage of the complainant was performed with the petitioner in the year 2008. Subsequently, in the year 2010, they were blessed with a female child, but thereafter torture was inflicted upon the complainant by the petitioner and other in-law family members, for which C.R. Case No. 84 of 2011 was filed by the complainant, which



ended into compromise. Subsequently, further demand of dowry of a motorcycle and a cow was made and due to non-fulfillment of the same, torture was again 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 the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.8 of the petition, which reads as follows:-

“That the petitioner is husband of the complainant and ready to keep and maintain her with full honour and dignity in the matrimonial home.”

Learned APP submits that the thrust of accusation is against the petitioner.

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 SDJM, Jhanjharpur, District-Madhubani in connection with C.R. No. 837 of 2015, 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 matrimonial harmony is substantially restored, 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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