

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18581 of 2019**

Arising Out of PS. Case No.-345 Year-2017 Thana- COMPLAINT CASE
District- Banka

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1. MURARI KUMAR Son of Pawan Kumar Chaudhry R/o village- Mathurapur, P.S.- Parbatta, Distt.- Khagaria
 2. Pawan Kumar Chaudhry @ Pawan Kumar S/o Nago Chaudhry R/o village- Mathurapur, P.S.- Parbatta, Distt.- Khagaria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kanchan Devi D/o Panchanand Singh R/o village- Bishanpur- Pakaria, P.S.- Sambhuganj, Distt.- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Murlidhar Mishra, Advocate.
For the State : Mr. Tapeswar Sharma, App
For the O.P. No. 2 : Mr. Md. Najmul Hodda, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 20-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act registered in connection with Complaint Case No. 345 of 2017.

3. It is submitted that the petitioners, the husband and father-in-law of the complainant, have been falsely implicated and in any event the petitioner no. 1 expresses his readiness to keep the complainant with due dignity and honour. It is submitted that the present complaint has been filed about six



months after a notice was issued to the complainant in Matrimonial Suit No. 06 of 2017 filed by the petitioner no. 1 for restitution of conjugal rights. It is stated that the matter was sent to the Mediation Centre, Patna High Court, Patna for amicable resolution of dispute which however did not fructify in view of the unreasonable demand for one time settlement by the complainant.

4. Learned counsel for the complainant appears and has been heard. The complainant however insists that the petitioner has solemnized another marriage and she is therefore not willing to reside with the petitioner no. 1. However, in absence of details of such second marriage, she is not desirous of filing a counter affidavit.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 345 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.



(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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