

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20476 of 2019**

Arising Out of PS. Case No.-41 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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DEV RAJ BANARJEE Son of Late Varun Kumar Banarjee, Resident of
Mohalla- Raj Deuri, Indra Steel, P.S.- Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Munmun Roy, Daughter of Late Shishir Roy, Resident of Mohalla-
Kedarnath Road, Parti Tola, P.S.- Town, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar @ Sonu, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner being, the husband of the complainant,
is apprehending his arrest in a complaint case, which got
transferred in Muzaffarpur P.S. Case No. 41 of 2019 under the
provision of Sec. 156(3) Cr.P.C., wherein process has been
directed to be issued after cognizance being taken for the
offences punishable under Sections 420, 406, 498A, 323, 504,
120-B of the IPC and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is to the effect that the
informant's marriage was performed with the petitioner in year
2009 as per the rites and rituals of christian customs.



Subsequently, torture was inflicted upon the informant by the petitioner and other in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. It is further submitted that petitioner filed Matrimonial Suit No. 404 of 2018 on 13.09.2018 thereafter, the present case has been filed by the informant as a retaliatory measure. It is further submitted that petitioner is also ready to withdraw the matrimonial suit, if the complainant is ready to lead the conjugal life.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 41 of 2019 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 informant and on her appearance, the petitioner will take the



informant 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 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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