

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76926 of 2018

Arising Out of PS. Case No.-1410 Year-2016 Thana- COMPLAINT CASE District- Araria

Mukesh Yadav S/o Kameshwar Yadav, Resident of Village- Bangwahi, P.S. Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Full Kumari Devi W/o Mukesh Yadav, D/o Giranand Yadav, Resident of Village- Belsara Pershahat, P.S. Raniganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Sri Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner being, the husband of the complainant, is apprehending his arrest in connection with Complaint Case No.1410 (C) of 2016 registered for the offences punishable under Section 498A and 323 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition of Ful Kumari Devi submitted to the Chief Judicial Magistrate, Araria is to the effect that the marriage of the complainant was performed with the petitioner on 10.05.2011 but subsequent to the marriage, further demand of dowry of Rs. 50,000/- was



made and due to non-fulfillment of the same, torture was 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 her as wife along with child with full dignity and honour, a statement to that effect has been made in para 11 of the bail petition which reads as follows :-

11. “ That the petitioner is ready to keep her with full dignity and honour and for that he filed matrimonial case under Section 9 of the Hindu Marriage Act for restoring of conjugal life bearing case no.6 of 2016.”

It is further submitted that the petitioner has filed Matrimonial Suit No.6 of 2016 for restitution of conjugal rights but the petitioner lost the matrimonial suit. However, the petitioner is ready to keep his wife along with female baby with dignity and honour.

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner and the filing of matrimonial suit. However, she is ready to make effort to get the issue reconciled.

Considering the present stand of the parties, keeping



in view the fact that the same will at present save the complaint from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner be released on provisional anticipatory bail for six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Complaint Case No.1410 (C) of 2016, 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 on 16th April, 2019, the petitioner will take her to keep 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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