

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27890 of 2019

Arising Out of PS. Case No.-591 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Chhote Sah, Son of Devu Sah Resident of Mohalla- Gumati No. 2, Mogal Bazar, P.S.- Town, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, W/o Sri Chhote Sah R/o Village and Mohalla Gumti No. 2, Mogal Bazar, P.S. - Nagar, District- Munger, at present Soni Kumari, D/o Sri Bhola Sah, R/o Nim Chowk Shankarpuri, P.S.- Kazi Mohammadpur, District- Muzafarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha
For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard learned counsels for the petitioner and the State, though none appears on behalf of the complainant.

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 offences punishable under Section 498A of the IPC and Sections 4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner on 21.01.2016, but subsequent to the marriage, further demand of dowry of Rs.



75,000/- and a motorcycle was made and due to non-fulfillment of the same, the complainant was tortured by the petitioner and other in-laws 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. 6 of the petition, which reads as follows:-

“That it is submitted that the petitioner being husband want to keep the informant/complainant with full dignity and honour.”

It is further submitted that the petitioner has also filed a matrimonial suit before the learned Court below with a prayer for restitution of conjugal life.

It appears that on joint prayer of the parties, this Court, vide order dated 07.08.2019, referred the matter to the Mediation and Conciliation Centre, Patna High Court Legal Services Committee. The report of the Mediator dated 16.10.2019, kept at flag- ‘M’ reflects that the issue could not be resolved through the process of mediation.

Considering the present stand of the petitioner, the provisional bail, granted to the petitioner vide order dated 29.04.2019 is hereby extended by six months from today.



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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