

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27627 of 2019

Arising Out of PS. Case No.-136 Year-2015 Thana- COMPLAINT CASE District- Banka

SANDEEP YADAV Son of Janardan Yadav, Resident of Village- Sanpdahar,
Post Office- Chuanpani, Police Station- Baunsi, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Parwati Devi, wife of Sandeep Yadav, Daughter of Sri Naresh Yadav, Resident of Village- Sanpdahar, Post Office- Chuanpani, Police Station- Baunsi, District- Banka. At Present resident of village- Hansdiha, Police Station- Hansdiha, District- Dumka (Jharkhand).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-09-2019 Heard learned counsel for the parties.

The petitioner has renewed the prayer for anticipatory bail in a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

Earlier the application of the petitioner filed with a prayer for anticipatory bail was disposed of vide order dated 29.8.2016 passed in Cr. Misc. No. 34909 of 2016 since only summons were issued against the petitioner in view of the ratio laid down in the case of *Salim Ansare alias Md. Salim Ansare and Ors. Vs. The State of Bihar and Anr. Reported in PLJR 2015(3) 806.*



The prayer for anticipatory bail has been renewed on the ground that the issue has been resolved and both sides are ready to resume the conjugal life.

The prosecution case as per the complaint filed by O.P. No. 2 is to the effect that the marriage between the complainant and the petitioner was performed in 2010. The married life of the petitioner and the complainant was peaceful for four years and they were blessed with a child but subsequently torture was inflicted and further dowry demand of Rupees Fifty Thousand cash and an LCD television was made and due to non-fulfillment of the same, not only torture was inflicted but the complainant and the minor child were driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child out of the wedlock. It is further submitted that the petitioner is ready to keep the complainant as wife and the child with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition which reads as follows:

“That the petitioner, therefore, moved again for his Anticipatory bail before the learned Sessions Judge, Banka, vide A.B.P. no. 1565/2019 with a clear stand that he is ready to keep the complainant



if she so desires.”

Learned counsel for the complainant submits that the complainant is also ready to accept the offer of resuming the conjugal life and is not opposing the prayer of the petitioner for anticipatory bail.

In view of the nature of accusation and the present stand of the petitioner, this Court is inclined to entertain the second application for anticipatory bail filed after such delay with a lurking hope that the conjugal life of the parties will be restored and the complainant and the minor child are not forced to destitution and vagrancy. The petitioner and the complainant are present in Court. The petitioner is ready to take the complainant to her matrimonial house from the Court itself.

Considering the present stand of the parties, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Banka in connection with Complaint Case No. 136 of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by



the learned court below in the following eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant gets reluctant to reconcile the issue. But, the provisional bail will not be confirmed if the petitioner fails to comply with the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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