

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12956 of 2017

Arising Out of PS. Case No.-301 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Sunil Kumar Yadav @ Sunil Kumar Yadav @ Sunil Kumar Yadav, Son of Jagdish Prasad Yadav, Resident of Mohalla – Panposh Basti Raurkela, P.S, - Raghunathpur Pali, District -Sundergarh, Orrisa, at present Resident of Mohalla – I-28 Randhani Vihar Kachna Road behind Brahm Kumari Ashram, Saddu Raipur, P.S. Bidhan Sabha, District – Raipur (Chhattisgarh).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Geeta Kumari, aged about 35 years, Wife of Sunil Kumar Yadav, Resident of Village – Panposh Basti Raurkela, P.S, - Raghunath Pali, District -Sundergarh, Orrisa, at present Geeta Kumari D/o Madheshwar Prasad, Resident of Village – Akouna, P.S. Bhagwanganj, District – Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Sri Madan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-04-2019 Heard learned counsel for the petitioner, learned counsel for the complainant-opposite party no. 2 and learned APP for the State.

The petitioner, being the husband of the complainant , is apprehending his arrest in a complaint case filed with accusation for the offences punishable under Sections 323 and 498A of the Indian Penal Code wherein process has been



directed to be issued after cognizance being taken.

The prosecution case as per the complainant, Geeta Kumari is that she was married with the petitioner, Sunil Kumar Yadav in 2003, subsequently they were blessed with two children, but there was further dowry demand of Rs.Two lakhs for purchase of the land but due to non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members. Ultimately, on 12.08.2016 she was left at Masaurhi bus stand and since then she has been residing in her parents' house.

However, it appears from the report of the Mediator dated 31.07.2017 kept at Flag 'B' that the issue could not be resolved through the process of mediation, but 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, though, statement to that effect has not been made in the petition. It is further submitted that during the pendency of the case, the petitioner filed Matrimonial Suit No. C 254 of 2016 which is pending before learned Principal Judge, Family Court, Rourkela. Though, for the transfer of the said matrimonial suit, SLP is pending before the Supreme Court. The complainant has



also filed Maintenance Case No. 232 of 2017 which is pending before learned Principal Judge, Family Court, Patna.

Learned counsel for the complainant submits that though the complainant is apprehensive due to the past conduct of the petitioner but she is ready to make an effort to reconcile the issue.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or 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 the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Masaurhi, Patna in connection with Complaint Case No. 301© of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides agree to appear before the learned Court below on 20th of May, 2019 when the petitioner will take the complainant to her matrimonial house 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

