

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64557 of 2018**

Arising Out of PS. Case No.-1714 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Raj Kishore Paswan son of Late Gyani Paswan, Resident of Village- Shankar Bindwara, P.S. Belsar, District Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bindudevi, W/o Raj Kishore Paswan, R/o Shankar Bindwara, P.S. Belsar, District Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Prasad
For the Opposite Party/s : Mr.Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-04-2019 Heard learned counsels for the petitioner,

complainant and the State.

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 Sections 498A/34 and 323 of the Indian Penal Code.

The prosecution case as per the complainant, Bindu Devi, the second wife of the petitioner is that the petitioner was initially married with one Bindu Devi (since both wives' name is Bindu Devi) lady 26 years prior to lodging of the present case and they were blessed with a male child, but after death of the first wife, the petitioner performed second marriage with



the complainant and they were blessed with four children. But subsequent to the marriage, further dowry demand of Rs.50,000/- to purchase a she-buffalo was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. It is alleged that on 18.07.2016, the complainant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of four children out of the wedlock and the complainant is still residing in one of the houses of the petitioner. It is further submitted that though the issue could not be resolved through the process of mediation, but the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity.”

Learned counsel for the complainant submits that the after seven years of marriage, the complainant has been driven out from the matrimonial house and during pendency of the present case, the petitioner has transferred certain landed property in favour of his daughter-in-law. However, the



complainant is still ready to resume the conjugal life and hence accepts the offer of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Complaint Case No.1714 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides agree to appear before the learned Court below on 29.04.2019 when 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 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)

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