

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69236 of 2018

Arising Out of PS. Case No.-1548 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Govind Sahni, Son of Mahendra Sahni, Resident of Village – Gopalpur,)P.s.
-Manigachi, District – Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sunita Devi, W/o Govind Sahni, Resident of Village – Gopalpur, P.S. -
Manigachi, District – Darbhanga. At present residing with her Grandfather
(Nana) namely, Munne Sahi, Resident of Village – Chak Ashraf, P.S. -
Muffasil, District – Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Sri Ajay Kumar-1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-04-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his 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 of the Indian
Penal Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed in the year 2014 but subsequently, for non-
fulfillment of further dowry demand of Rs.Three lakhs, torture
was inflicted upon the complainant and ultimately, she was
driven out from the matrimonial house by the petitioner and



other in-law family members.

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, statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the real fact is that the petitioner and the complainant were engaged severally in quarrel due to self accommodation which was always protested by petitioner but the complainant was not ready to keep her mind cool but all became futile while petitioner is always ready to keep her with full honour and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. However, the complainant apprehends that the offer of the petitioner is not bonafide.

Both sides agree to appear before the learned Court below on 30th of April, 2019 when the petitioner will take the



complainant to her matrimonial house to keep her as wife with full dignity and honour.

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 Additional Chief Judicial Magistrate-5, Samastipur in connection with Complaint Case No. 1548 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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)

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