

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47285 of 2019

Arising Out of PS. Case No.-2003 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Manjeet Kumar Son of Suresh Prasad, Resident of Village -Barai Tola, P.S.-
Govindganj, Distt - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kumari Gudiya D/o Prabhu Bhagat, Resident of Village -Basman
Bhawanipur, P.O.- Pataura, P.S.- Muffasil Motihari, Distt - East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate Mr.Lal Babu Singh, Advocate
For the State	:	Ms.Nirmala Kumari, APP
For the O.P. No. 2	:	Mr.Priyesh Thakur, Advocate Mr.Srijan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-12-2019 Heard learned counsel for the petitioner and learned

counsel representing the opposite party no. 2 as also learned

A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Sessions Trial No. 2192 of 2018 arising
out of Complaint Case No. C-2003 of 2017 registered for the
offences punishable under Section 498(A) of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that
although the mediation report shows that mediation has failed
but the fact remains that in course of mediation this petitioner



had tried his best and had requested with folded hands with the father of the complainant to allow him to take his wife with him to live peacefully which was not allowed by the father of the complainant. Learned counsel further submits that in fact the complainant was willing to accompany with the petitioner but because of the resistance from her father she could not accompany him.

Learned counsel for the complainant, however, submits that though the complainant is willing to live with the petitioner peacefully and in a dignified manner, since the petitioner has indulged in beating the complainant on earlier occasion, the father of the complainant is apprehensive of the same on the part of the petitioner and in case the petitioner is willing to keep the complainant with him, he must undertake that henceforth he will bring her back to the complainant and keep her with full dignity and care.

Learned counsel for the petitioner submits that he has instruction to say and undertake that the petitioner shall keep the complainant as his lawful wife with full dignity and care and henceforth no complaint will come. Learned counsel further submits that the petitioner undertakes to visit the place of opposite party no. 2 in between 15th to 26th January, 2020 to



bring her back to the matrimonial home.

Learned counsel for the complainant submits that on such visit of the petitioner within the aforesaid period the complainant will definitely accompany him and shall live with him as wife and husband.

In the aforesaid view of the matter, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar at Motihari in connection with Sessions Trial No. 2192 of 2018 arising out of Complaint Case No. C-2003 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that in terms of his own undertaking before this Court, the petitioner shall visit the place of opposite party no. 2 within the aforesaid period and bring her back in matrimonial home where she will be allowed to live as a lawful wife with full dignity and care. In case the petitioner commits breach of this condition, the complainant shall bring it to the notice of the learned court below on which the court below shall proceed to take appropriate action in the matter.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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