

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48151 of 2019

Arising Out of PS. Case No.-730 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Pawan Kumar, Son of Avadh Kishor @ Chhote Lal, Resident of Village-
Korawan, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Rabita Devi, Wife of Pawan Kumar, Daughter of Arjun Prasad
Resident of Village- Akhtiyarpur, P.S.- Bihta, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-10-2019 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, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Section 498A of the Indian Penal
Code.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed 28.04.2015 as per Hindu rites but subsequent to
the marriage, further dowry demand of Rs.Three lakhs was
made and due to non-fulfillment of the same, torture was



inflicted upon the complainant and attempt on her life was made. Ultimately, on 28.06.2016 the complainant was driven out from her matrimonial house by the petitioner and other in-law family members.

The petitioner and the complainant are present in the Court.

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 from the aforesaid facts it is very much clear that the entire prosecution case is a nothing but a bundle of lie rather the petitioner is always ready to keep the complainant with full honour and dignity but the complainant herself not want to reside in her matrimonial house with this petitioner because she did not like this petitioner from the date of marriage itself.”

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.



Both sides agree to appear before the learned Court below on 4th of November, 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 Judicial Magistrate, Ist Class, Danapur in connection with Complaint Case No. 730(C) of 2016, 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)

DKS/-

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

