

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59012 of 2019

Arising Out of PS. Case No.-1293 Year-2016 Thana- COMPLAINT CASE District- Banka

Pankaj Das, Son of Sattan Das Resident of Village- Kajhiyagora, P.S.- Banka,
District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Pankaj Das D/O Panchu Das, Resident of Village-
Kaljhar, P.S.- Katoria, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsels for the petitioner 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 323 and 498A of the IPC and Section 3 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner in the year 2014, but subsequent to the marriage, further demand of dowry of Rs. 50,000/-, a motorcycle and a she-buffalo was made and due to non-fulfillment of the same, the complainant was tortured by the



petitioner and other in-laws family members.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he 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 similar was the stand of the petitioner before the learned Court below, but the complainant refused to reside with the petitioner, which gets reflected from the impugned order. Second last paragraph of the impugned order reads as follows:-

“The complainant and her husband both are present before Court and the complainant herself stated before the Court that she does not want to go with her husband due to fear of assault but the petitioner, who is husband of the complainant is ready to file undertaking stating therein that he will keep her wife with full dignity and respect.”

It appears that notices were issued to the complainant/opposite party no.2, vide order dated 18.09.2019. The office note dated 13.11.2019 reflects that notices were validly served upon the complainant, but today none is appearing on behalf of the complainant.

Learned APP submits that thrust of accusation is against the petitioner.

Considering the present stand of the petitioner, let the



above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned SDJM, Banka in connection with Complaint Case No. 1293 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the complainant and on her appearance, 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 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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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