

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74004 of 2018

Arising Out of PS. Case No.-717 Year-2017 Thana- COMPLAINT CASE District- Banka

Ravikant Mandal @ Ravi Manjhi, Son of Raj Kishore Manjhi, Resident of Village- Haripur, P.S.- Bounsi (Panjiwara) District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Radha Devi, Wife of Ravikant Mandal@ Ravi Manjhi, Resident of Village- Haripur, P.S.- Panjiwara(Bounsi), District- Banka, At Present Address:- D/o Subodh Manjhi, Resident of Village- Kishanpur, P.S. Bounsi, District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 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 Section 498A/34 of the IPC and Sections 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is to the effect that marriage between the petitioner and the complainant was performed in the year May, 2015, but subsequently, further dowry demand of Rs. 1 lac and motorcycle was made and for non-fulfillment of the same, the complainant was tortured and



ultimately on 20.05.2017, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.7 of the petition, which reads as follows:-

“That the petitioner happens to be husband of the complainant and he is ready to keep her with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below, which gets reflected from the impugned order also. It is further submitted that though it was submitted on behalf of the complainant before the learned Court below that the petitioner has performed second marriage with one Janki Devi, but cognizance has not been taken under Section 494 of the IPC and the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition.

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. 717 of 2017, 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 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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

