

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71286 of 2018

Arising Out of PS. Case No.-1022 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Munna Rai, Son of Lalan Rai, Resident of Village- Nanaura, Purvi, Police Station- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Seema Devi, Wife of Munna Rai, Daughter of Raj Kumar Prasad, Resident of Village- Nanaura Purvi, Police Station- Belsand, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-04-2019 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.

The prosecution case as per the complainant, Seema Devi is that the marriage between the complainant and the petitioner, Munna Rai was performed 22.04.2013. Subsequently, they were blessed with a daughter but there was further dowry demand of Rs.Two lakhs and due to the non-fulfillment of the



same, torture was inflicted upon the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a daughter. The petitioner ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That the petitioner is always ready to bring back the opposite party no. 2 with all respects love and care but she is not ready to come back with the petitioner for the reasons best known to her.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner as the petitioner failed to cooperate the mediation which gets reflected from the impugned order.

However, both sides agree to appear before the learned Court below on 6th of May, 2019 when the petitioner will take the complainant and the daughter to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory



bail for six 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 Sub-divisional Judicial Magistrate, Sadar Sitamarhi in connection with Complaint Case No. C1-1022 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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