

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60506 of 2018

Arising Out of PS. Case No.-821 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

=====

Chandan Sahni @ Chandan Kumar, S/o Jhaksu Sahni, R/o Village- Koniya,
P.S. - Suryagarha, District – Munger at present residing at Jalandhar City,
Kishanpur Chowk, Gali No.-10, Ajit Nagar (Punjab).

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Juli Kumari, W/o Chandan Sahni @ Chandan Kumar, At present residing at
D/o Anandi Sahnim, resident of Village- Chandra Nagar Rahey, P.O.- Koshi
College, Khagria, P.S.- Mufassil, District- Khagaria.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-01-2019 Heard learned counsels for the petitioner, complainant
and 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 498(A) of I.P.C. and Section
3/4 of D.P. Act.

The prosecution case as per the complainant, Juli
Kumari is that the marriage between the complainant and the
petitioner was performed in the year 2013. Thereafter, the
complainant went to Jalandhar City with the petitioner.
Subsequently, further dowry demand of a T.V., refrigerator and a



washing machine was made and due to non-fulfillment of the same, torture was inflicted upon the complainant.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.9 of the petition which reads as follows:

“9. That it is submitted that the petitioner has made his all efforts to keep the complainant with full honour and dignity but the complainant did not want to live with the petitioner and serve to his old age parents.”

Learned counsel for the petitioner further submits that the petitioner has also filed Matrimonial Suit No. H.M.A. No. 77/2017 for restitution of conjugal rights. A statement to that effect has been made in paragraph no.10 of the petition with reads as follows:

“10. That prior to this case, the petitioner has filed a Matrimonial suit No. H.M.A. No. 77/2017 u/s 9 of the Hindu Marriage Act in the court of learned Addl. Civil Judge (Senior Division), Jalandhar (Punjab) for restitution of conjugal rights and thereafter the complainant has filed the present complaint case against the petitioner to save her skin from the matrimonial case.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.



Both sides are ready to appear before the learned Court below on 28.01.2019, when the petitioner will take the complainant 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 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 the like amount each to the satisfaction of the learned **S.D.J.M., Khagaria**, in connection with **Complaint Case No. 821C 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)

Deepak/-

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

