

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84012 of 2019

Arising Out of PS. Case No.-874 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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PANNALAL SAHANI Son of Mathura Sahani Resident of Village -
Jhitkahiya, P.S.- Lakhaura, Distt - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pooja Devi Wife of Pannalal Sahani, D/o Bilat Sahani Resident of Village -
Hiramani Tola Bhagri, P.S.- Chauradano, Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the parties.

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 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the marriage of complainant Pooja Devi was performed with the petitioner on 26.4.2016 but subsequent to the marriage there was further dowry demand of a motorcycle and due to 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 is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:

“That the petitioner is ready to keep her with full dignity.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 382 of 2018 for restitution of conjugal rights.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar, Motihari in connection with Complaint Case No. 874 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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