

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83773 of 2019

Arising Out of PS. Case No.-514 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Suraj Kumar Surya, Son of Late Bhagwan Yadav Resident of Mohalla-Shivaji Colony, Police Station-Khazanchi Haat, District-Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Khsabhoo Kumari Wife of Suraj Kumar, Daughter of Sudhakar Prasad Yadav Resident of Mohalla-Sandalpur (near Durgasthan), Police Station-Kasim Bazar, District-Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Nand Jha
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 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 323, 498A, 504 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is that the marriage between the complainant and the petitioner was performed 19.11.2009 but subsequent to the marriage, there was further dowry demand of Rs.Twenty lakhs but due to non-fulfillment the same, torture was inflicted upon the complainant



and ultimately 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 is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 24 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full love, honour and dignity according to his capacity.”

Learned counsel for the complainant files counter affidavit and submits that she was brutally assaulted and hence, she was apprehensive but still ready to accept the offer of the petitioner provided property safety and security given to her.

However, both sides agree to appear before the learned Court below on 15th of January, 2020 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties with a lurking hope that the issue may reconcile between them and it will save the complainant from destitution and vagrancy, 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, Munger in connection with Complaint Case No. 514(c) of 2018, 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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