

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1618 of 2020

Arising Out of PS. Case No.-144 Year-2018 Thana- ROH District- Nawada

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Pankaj Mistry @ Pankaj Kumar Son of Ram Swarup Mistri Resident of
Village - Kamalpur, P.S.- Govindpur, District - Nawadah

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Soni Devi Wife of Pankaj Mistry @ Pankaj Kumar D/o Arjun Mistry,
Resident of Village - Gorihari, P.S.- Roh, District - Nawadah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 308, 504, 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case is that the informant was married with the petitioner in 2014 but subsequent to the marriage, further dowry demand of Rs.Two lacs was made and for non-fulfillment of the same, torture was inflicted upon the informant. It is alleged that on 23.11.2018, the informant was assaulted by the accused persons and the informant was driven out from the matrimonial house.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That it is relevant to mention here that the petitioner is the husband of the informant and always ready to keep his wife with full dignity in this connection also filed under section 9 of the Restitution of conjugal right before the learned principal Judge, Family Court, Nawadah bearing Matrimonial Case No. 315/2017 on 10.10.17.”

It is further submitted that the petitioner has also filed Matrimonial Suit No. 315 of 2017 for restitution of conjugal rights which is pending before the learned Principal Judge, Family Court, Nawada and on conclusion of the investigation, police submitted charge sheet only under Section 498A of the Indian Penal Code and cognizance has been taken under Section 498A of the Indian Penal Code.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 Judicial Magistrate, Ist Class, Nawada in connection with Roh P.S. Case No. 144 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to her matrimonial house 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 informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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