

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20469 of 2020**

Arising Out of PS. Case No.-351 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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SANJIT KUMAR S/o Kamlesh Sah R/o village- Patdaura, P.S.- Bajpatti,
District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Kumari W/o Sanjit Kumar, D/o Shankar Sah R/o village- Jawahi, P.S.-
Sursand, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-07-2020 The court proceeding has been conducted through
virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of



functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsel for the petitioner and 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, 379 and 498A of the IPC.

The prosecution case, as per the complaint case, is to the effect that the complainant was married with the petitioner on 02.05.2018, but subsequently, further dowry demand of Rs. 3 lacs was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by all the accused persons, including the petitioner, leading to filing of the present complaint.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Case No. 136 of 2019 with a prayer for restitution of conjugal life and since the issue has been compromised and both sides expressed their willingness to reside together, the same has been disposed of vide order dated



19.08.2019, passed by learned Principal Judge, Family Court, Sitamarhi, as contained in Annexure-2, and on the same ground, Maintenance Case No. 69 of 2019, filed by the complainant, was also dismissed by the learned Principal Judge, Family Court, Sitamarhi. Subsequently, the conjugal life was resumed, but at present, the complainant again deserted the petitioner. However, even today, the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 13 of the petition which reads as follows:

“That the petitioner is ready to live with the complaint to full dignity and honour”

Learned counsel for the state submits that the thrust of accusation is against the petitioner, being the husband of the complainant.

Considering the present stand of the petitioner to the effect that the petitioner is ready to keep the complainant as wife with full dignity and honour, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months in the event of arrest or surrender before the learned Court below on furnishing one surety to the satisfaction of the learned SDJM, Pupri at Sitamarhi in



connection with Complaint Case No. CI-351 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

Let the learned Court below issue notice the complainant and 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 within a period of six months 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, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, Pupri at Sitamarhi in connection with Complaint Case No. CI-351 of 2018.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in



physical mode will not resume in next six months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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