

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20517 of 2020

Arising Out of PS. Case No.-980 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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PANKAJ KAMAT S/o Dinesh Kamat Resident of Village- Pilakhwar, P.S.-
Raj Nagar, Distt- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kusum Devi W/o Pankaj Kamat Resident of Village- Pilakhwar, P.S.- Raj
Nagar, Distt- Madhubani, Daughter of Jatap Kamat, resident of Village-
Jagat, P.S.- Benepatti, Distt- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar Thakur
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

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

Learned counsel for the petitioner undertake to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
bench.

Heard learned counsel for the petitioner and learned



APP for the 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 Sections 323 and 498A of the Indian Penal Code.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner about five years prior to lodging of the present case. For three months, the relationship was cordial, but thereafter, further dowry demand of a motorcycle and cash amount of Rs.2,00,000/- was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. However, there was a male child out of the wedlock.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“ That the petitioner is ready to keep the complainant as his wife with full dignity, honour and respect.”

Learned APP for the State submits that the thrust of



accusation is against the petitioner, being the husband of the informant.

Considering the present stand of the petitioner as quoted above, 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 from today, on furnishing one surety to the satisfaction of the learned ACJM-I, Madhubani, in connection with Complaint Case No. 980 of 2018 (CIS) 980 of 2018 (CR), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

The provisional bail of the petitioner will be confirmed by learned Court below within six months 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, 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 the learned ACJM-I, Madhubani, in connection with Complaint Case No. 980 of 2018 (CIS) 980 of 2018 (CR).

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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