

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19717 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- MAHILA PS District- Jamui

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KANCHAN RAVEE DAS @ KANCHAN RAVIDAS S/o Kashi Ravidas
Resident of Village- Chany, P.O.- Rajala, P.S.- Jhajha, Distt- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi D/o Bishundev Ravidas Resident of Village- Arunmabank, P.O.
and P.S.- Khaira, Distt- Jamui

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 Since the physical Court is not functional due to the

present pandemic, Covid-19, the matter has been listed with

defects.

It is expected from the learned counsel for the
petitioner 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.

The matter has been taken up through virtual Court
proceeding.

None appears on behalf of the petitioner. However,
learned APP for the State is present.



The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Initially, the prosecution case got initiated with filing of Complaint Case No.847C of 2017, which came to be registered as police case, being Jamui Mahila P.S Case No.52 of 2019, after its being transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case as per the compliant petition is to the effect that the marriage of the informant was performed with the petitioner in 2016, but thereafter, further dowry demand of Rupees One Lac cash and a colour T.V. was made and due to non-fulfillment of the same, torture was inflicted upon the informant. The accused persons also made an attempt to take the life of the informant by throttling her to death. Earlier also a case was lodged by the informant, but compromise was made in that case.

From the pleading of the petitioner, it appears that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition



which reads as follows:-

“That the petitioner being husband
always ready to keep the informant with full
dignity of wife.....”

It is further submitted that in fact the informant is in
the habit of filing false cases. Earlier, the complainant has filed
Complaint Case No. 847 C of 2017 which ultimately ended into
compromise.

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 SDJM, Jamui, in connection with
Khaira P.S. Case No.52 of 2019, 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 the learned Court below within three months 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 SDJM, Jamui, in connection with Khaira P.S. Case No.52 of 2019.

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 provisional bail of the petitioner will be confirmed by 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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