

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51768 of 2019

Arising Out of PS. Case No.-644 Year-2018 Thana- COMPLAINT CASE District- Araria

Santosh Kumar Mandal @ Santosh Kumar, Son of Upendra Mandal, Resident of Village-Majlispur, P.S.-Palasi, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi, Wife of Santosh Kumar @ Santosh Kumar Mandal, Daughter of Late Bindeshwari Mandal, Resident of Village-Ukhawa, P.S.-Mahalgaon (Jokihat), District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 08-01-2020 This is an application for grant of anticipatory bail in connection with Complaint Case No. 644-C of 2018, disclosing offences under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

As per complaint petition, petitioner happens to be the husband of the complainant. There is allegation of demand of Rs. 1 lakh and one motorcyce as well as torture to the complainant.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with full dignity and care.

It appears from the record that earlier notice was



issued to the opposite party no.2, but in spite of postal tracking report shows that the delivery was confirmed. Nobody chose to appear on her behalf.

Heard learned APP also.

Having heard both sides, in view of the above, the case relates to the marital dispute and also considering the stand of the petitioner, this application is disposed of with a direction to the petitioner to surrender before the learned court below on 20.01.2020, on surrender, he will be released on provisional bail to the satisfaction of the learned court below itself till appearance of the opposite party no.2, for that the learned court below shall issue notice to the opposite party no.2. Once the opposite party no.2 appear and shows her desire to reside with the petitioner and the petitioner is ready to keep her with dignity and care by filing an undertaking, his provisional shall be extended for a period of six months. During that period, both the parties shall appear before the learned court below in the second week of each month, so that the court below shall watch the conduct of both the parties. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the provisional bail granted to the petitioner shall be confirmed,



otherwise, he is free to pass any other order or orders, which may be deemed fit and proper, including cancelling the bail bonds of the petitioner.

It is needless to say that if the opposite party no.2 does not appear before the court below or is not ready to reside with the petitioner, in that case also, the learned court below shall confirm the bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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