

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54661 of 2019

Arising Out of PS. Case No.-174 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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MAHTAB ALAM Son of Late Saukat Ali Resident of Village - Musafirganj,
P.S.- Gajadharganj, Distt - Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sultan Prabin Wife of Mahtab Alam, D/o Late Salimuddin Resident of
Village - Makhdumpur Dih, P.S.- Makhdumpur, Distt - Jehanabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-03-2020 Heard learned counsels for the petitioner,

complainant 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, 504 and 498A of the IPC.

The prosecution case, as per the complaint petition is to the effect that the marriage of the complainant was performed with the petitioner on 16.11.2011, but subsequent to the marriage, further demand of dowry of Rs. 2 lacs was made and due to non-fulfillment of the same, the complainant was tortured by all



the accused persons including the petitioner. Ultimately, the complainant was driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 7 of the petition, which reads as follows:-

“That petitioner is ready to keep his wife i.e. opposite party no.2 with all dignity but she not agree to live with the petitioner with interference of her mother.”

It is further submitted that on the joint prayer of the parties, vide order dated 16.11.2019, the matter was referred to the Mediation Centre and in pursuance to the terms of mediation, the petitioner took a separate accommodation to keep the complainant, but the complainant failed to reside with the petitioner. However, the petitioner is still ready to keep the complainant as wife with the full dignity and honour.

Learned counsel for the complainant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below on 23.03.2020, when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the



above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Complaint Case No. 174 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

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 complainant fails to appear before the learned Court below, or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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