

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54799 of 2019

Arising Out of PS. Case No.-932 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Pankaj Kumar, Son of Jai Chandra Sahani, Resident of Village - Bairiya, P.S.-
Muffasil Motihari, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sonali Devi Wife of Pankaj Kumar Daughter of Basudeo Sahani, Resident of
Village - Sirsa, P.S.- Motihari Muffasil, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-03-2020 Heard learned counsels for the petitioner and 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 406, 498 (A) and 506/34 of IPC.

The prosecution case, as per the complaint petition, is to the effect that the marriage of the complainant with the petitioner has performed on 7.06.2017, but subsequent to the marriage, further dowry demand of Rs. 2,00,000/- was made and due to non-fulfillment of the same, the complainant was



tortured by all the accused persons including the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been in paragraph no. 9 of the petition which reads as follows :-

“That the petitioner again stated that he is ready to keep the informant with full honour and dignity and also undertake to maintain her if so she desire. The petitioner is poor daily wages earner, law abiding citizen and ready to abide any terms and conditions as laid down by this Hon’ble Court, if released on bail.”

It is further submitted that vide order dated 16.11.2019, the matter was referred to the Mediation and Conciliation Centre of the Patna High Court Legal Services Committee. The report of the Mediator dated 20.12.2019 kept at Flag- ‘B’ suggests that the issue could not be resolved through the process of mediation.

It is further submitted by the learned counsel for the petitioner that in alternative, the petitioner is ready to make payment of Rs. 1800/- per month to the complainant by April,



2020 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the petitioner has already performed second marriage, as a result the complainant is not ready to reside with the petitioner. However, she reluctantly accepts the offer of the petitioner monthly payment and she undertakes to provide her bank account details to the petitioner within a period of three weeks by submitting the same on affidavit before the learned Court below.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, the provisional bail granted to the petitioner vide order dated 02.09.2019 in connection with East Champaran P.S. Case No. 932 of 2018 is hereby confirmed.

(Dinesh Kumar Singh, J.)

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