

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55040 of 2019

Arising Out of PS. Case No.-1464 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ajay Sahni, Son of Lalo Sahni, Resident of Village - Vistha, P.S.- Aurai,
District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mamta Devi Wife of Ajay Sahni, D/O- Kailash Sahni Resident of Village -
Vistha, P.S.- Aurai, District- Muzaffarpur and Presently Residing at Village -
Medi Dih, P.S.- Aurai, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Khurshid Anwar

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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
offence punishable under Section 498 (A) of IPC and Section 4
of the Dowry Prohibition Act.

The prosecution case, as per the complainant Mamta
Devi, is to the effect that the marriage of the complainant was
performed with the petitioner, Ajay Sahni on 24.04.2014, but
subsequent to the marriage, there was a further dowry demand
of a motorcycle and due to non-fulfillment of the same, the



torture was inflicted upon the complainant 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 and he is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 11 of the petition which reads as follows :-

“That even today the petitioner is ready to keep opposite party no. 2 as a wife with full dignity and order provided she becomes ready to live along with the petitioner at the house of the petitioner.”

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 12.12.2019 kept at Flag ‘M’ reflects that due to non-appearance of opposite party no. 2, the issue could not be resolved through the process of mediation.

Considering the present stand of petitioner 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 S.D.J.M. (East), Muzaffarpur in connection with Complaint Case No. 1464 of 2017 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

The provision 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 complainant fails to appear before the learned Court below; or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J.)

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