

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83780 of 2019

Arising Out of PS. Case No.-704 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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RITESH KUMAR, Son of Gopal Prasad Nevetia, Resident of Village - Gogri
Jamalpur, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanak Priya, Wife of Ritesh Kumar, D/O - Shri Anil Kumar Singhal,
Resident of New Rajkamal Dress in front of Darwar Cinema Hall, P.O.-
Siwan, P.S.- Siwan, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Ms. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-02-2020 Heard learned counsels for the petitioner,

complainant 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 Section 498A of the IPC and Sections
3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is
that the marriage between the complainant, Kanak Priya, was
performed on 25.11.2013, but after some time, torture was
inflicted upon the complainant for non-fulfillment of further
dowry demand of Rupees Five Lacs and on 31.07.2014, after



snatching all belongings, including the jewellery, she was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and it was the complainant who deserted the petitioner, and consequently, the petitioner preferred Matrimonial Suit No. 19 of 2016 on 11.03.2016 before the Principal Judge, Family Court, Khagaria for restitution of conjugal life. However, when the complainant declined to resume the conjugal life, the petitioner withdrew the restitution suit on 26.09.2018 and thereafter filed Matrimonial Suit No. 110 of 2018 with a prayer for dissolution of marriage which is still pending before the learned Principal Judge, Family Court, Khagaria. It is further submitted that the complainant has filed Maintenance Case No. 62M of 2016 before the Principal Judge, Family Court, Khagaria, but the same stood dismissed due to non-prosecution on 20.09.2018. However, the petitioner is ready to keep the complainant as wife with full dignity and honour and to withdraw the matrimonial suit preferred with a prayer for dissolution of marriage. Though statement to that effect has not been made in the petition.

The petitioner and the complainant are present.

Learned counsel for the complainant submits that the



complainant is apprehensive due to past misconduct of the petitioner. However, she is ready to accept the offer of the petitioner, if the petitioner is ready to keep her with dignity and honour.

Both sides are ready to appear before the learned Court below on 15.02.2020 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties and keeping in view of the fact that the present order will at least save the complainant from destitution and vagrancy and with a lurking hope that the issue between the parties may reconcile in future, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Khagaria, in connection with Complaint Case No.704 (c) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 complainant fails to appear before the learned court below; or



(iii) if the complainant gets reluctant to reconcile the issue.

It is expected from the learned trial Court to make all effort to get the issue mediated between the parties so that the matrimonial harmony could be restored.

(Dinesh Kumar Singh, J)

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