

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86855 of 2019**

Arising Out of PS. Case No.-1163 Year-2017 Thana- COMPLAINT CASE District- Jamui

SURESH KUMAR MURMU @ JAIKA MURMU Son of Bhola Murmu
Resident of Village - Darha, P.S.- Tetiya Bumber, District- Munger

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Vimla Kumari D/O- Munilal Kishku At present- Latenda, P.S.- Laxmipur,
District- Jamui

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-10-2020 Heard learned counsel for the petitioner and Mr. Nitya
Nand Tiwary, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 1163c/2017 registered for the offences punishable under Sections 498A I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act.

Earlier this Court vide order dated 17.02.2020 had issued notice to O.P. No. 2 and granted interim protection to the petitioner. The notice has been duly served but O.P. No. 2 has not entered appearance. This Court had adjourned the matter on 04.09.2020 with an intention to give an opportunity to O.P. No. 2 to enter appearance in this case. Since she has not entered appearance today also, this Court deems it just and proper to proceed with the matter and dispose it of on its own merit.



As per allegations made in the complaint petition marriage between the petitioner and O.P. No. 2 was solemnised on 21.06.2014. It is alleged that after living happily for about one year when the petitioner got a job he started a demand of sum of Rs.3 lakhs as dowry. The complainant claims that she had provided Rs.1 lakh after taking it from her mother. It is alleged that her husband asked her to go to her *maika* when she was pregnant and was also demanding a four-wheeler vehicle. It is, thus, alleged that her mother-in-law had tried to serve her poison.

While answering the Court's question complainant admits that for about one year she was living in her *maika* and had expressed her desire to go her *sasural*.

Learned counsel for the petitioner submits that the petitioner is ready to furnish an undertaking that he will keep the complainant as his lawful wedded wife with full dignity and care. For this purpose he is ready to visit the house of the complainant to bring her back. This Court has also been informed that out of wedlock one daughter has also been born. Learned counsel for the petitioner has denied the allegations against the petitioner.

Learned APP for the State submits that in the given facts and circumstance the petitioner may be granted provisional bail so that he can visit the house of O.P. No. 2 and bring her back to his matrimonial house.

In the given facts and circumstances of the case, this Court



directs that the petitioner above-named in the event of his arrest or surrender within eight weeks from today, be released on provisional bail for a period of three months initially on furnishing of bail bond of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui in connection with Complaint Case No. 1163c/2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e. on provisional bail for a period of three months

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

Learned counsel for the petitioner has informed that the petitioner is in the State of Maharashtra, therefore, he may be granted eight weeks' time to visit the house of O.P. No. 2 and bring her back to the matrimonial Home. Taking note of that, this Court directs that if the petitioner visits the house of O.P. No. 2 within a period of eight weeks from today and bring her back with the daughter to his matrimonial home and keep her with full dignity and care, on being satisfied with the conduct of the petitioner with his wife-complainant,



the court below shall confirm the bail on the same bail bonds.

In case the learned court below finds that O.P. No. 2 is not ready to live with the petitioner then on being fully satisfied with such condition the court below will be competent to confirm the bail bond.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

