

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29545 of 2020

Arising Out of PS. Case No.-267 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Madan Sah, aged about 28 years, Sex-male, Son of Shambhu Sah, Resident of Village- Mahmada Chaubey Tola, P.O. & P.S.- Mehsi, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pummi Devi, wife of Madan Sah, Resident of Village- Mahmada Chaubey Tola, P.O. & P.S.-Mehasi, District-Muzaffarpur.
At present -D/o Rameshwar Sah, Village & PO- Bishunpur Kalyan, PS Sahebganj, Distt. Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anish Chandra
For the Opposite Party/s :	Mr. Nachiketa Jha
	Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 08-03-2021 Heard Mr. Anish Chandra, learned counsel for the petitioner, Mr. Nachiketa Jha, learned counsel for the Opposite Party No. 2 and Mr. Surendra Kumar, learned Additional Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with Tr. No. 4487 of 2018 arising out of Complaint Case No. 267 of 2018 registered for the offence punishable under Section 498 (A) of the I.P.C. read with Section 3 / 4 of the D.P. Act.

The allegation as per the First Information Report is that marriage of the petitioner was solemnized with Opposite Party No. 2 on 07.05.2009 and after marriage petitioner and his family members started demanding Rs. 51,000/- as dowry and due to non fulfillment of the demand the complainant -Opposite Party No. 2 was ousted from her matrimonial home.



Learned counsel for the petitioner submits that petitioner is ready and willing to keep the Opposite Party No. 2 as his wife with all care, honour and dignity.

Learned counsel for the Opposite Party No. 2 submits that Opposite Party No. 2 is also ready and willing to live with her husband at her matrimonial home subject to the condition that she will be treated properly by her husband.

With the consent of the parties both the petitioner as well as Opposite Party No. – 2 are present in Court in person and they have expressed their desire to live together as husband and wife. The husband has given undertaking that he will not torture or assault his wife and the wife has also given undertaking that she will give full respect to her husband and his family members. The petitioner has also assured the Court that he will take his wife along with him from this Court itself to her matrimonial home and the wife has also expressed her desire to accompany her husband directly from this Court itself.

Having heard learned counsel for the parties and taking into consideration the willingness of both the husband and the wife i.e. the petitioner and Opposite Party No. 2 to live together, I am inclined to grant anticipatory bail to the petitioner provisionally for six months.



Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur / court concerned in connection with Tr. No. 4487 of 2018 arising out of Complaint Case No. 267 of 2018 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure, 1973 and subject to further condition that the petitioner will submit an affidavit before the learned court below duly signed by Opposite Party No. 2 / complainant at the time of furnishing bail bond giving express undertaking that he will not torture and mistreat his wife i.e. Opposite Party No. – 2 in future.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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