

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34325 of 2022**

Arising Out of PS. Case No.-1720 Year-2018 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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PRAMOD SAH @ PRAMOD KUMAR SON OF HARI LAL SINGH R/O-  
VILL- MAHAUTA(THANA), P.S.- MADHUBAN, DIST.- EAST  
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. FUL KUMARI W/O- PRAMOD SAH, D/O- INDRASAN SAH R/O- VILL-  
BHUSAULAVA, P.S.- KESARIA, DIST.- EAST CHAMPARAN

... .. Opposite Party/s

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**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr.Sheo Jee Mishra           |
| For the State        | : | Mr.Md. Shakir Ahmad          |
| For the complainant  | : | Mr. Vijay Shankar Srivastava |

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      12-09-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Petitioner seeks regular bail in Complaint Case No.  
172 of 2018 in which learned Magistrate took cognizance for  
the offence punishable under Section 498A of the Indian Penal  
Code and 3/ 4 of the Dowry Prohibition Act.

As per the allegation, the petitioner who happens to be  
husband of the complainant started torturing his wife for the  
demand of 2 lakh rupees and 20,000 rupees was given to the  
petitioner by the father of the complainant in the light of the said



demand of dowry and thereafter two children were born out of conjugal relationship between the complainant and this petitioner.

The main submissions advanced by learned counsel Sri Sheo Jee Mishra for the petitioner are that the marriage of the complainant with this petitioner took place in the year 2011 and 08 years after the marriage, a complaint was filed by petitioner's wife and admittedly two children have taken birth from the conjugal relationship between the complainant and this petitioner and there is no specific allegation against the petitioner, however he is ready to keep his wife in his company with full dignity and he has been languishing in jail since 24.02.2022.

Sri Md. Shakir Ahmad, learned APP appearing for the State and Sri Vijay Shankar Srivastava, learned counsel appearing for the complainant submitted that the complainant is also ready to live in the company of the petitioner.

In view of the above submissions considering the petitioner's custody period and mainly taking into account the facts that the petitioner's marriage with complainant took place in the year 2011 and both the spouses are ready to live together, in the opinion of this Court a lenient approach can be taken in



respect of the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Sadar, East Champaran at Motihari in Complaint Case No. 1720 of 2018.

In view of petitioner's willingness to keep his wife in his company the court below is directed to make effective conciliation between both the spouses to find out the solution in between them, if petitioner does not take part in the conciliation matter or does not co-operate in the conciliation or deny to keep his wife in his company without reasonable reason then the court below will have a liberty to take a serious action against the petitioner by cancelling the bail bond of the petitioner.

**(Shailendra Singh, J)**

s.hassan/-

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