

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55025 of 2022

Arising Out of PS. Case No.-745 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Ankaj Kumar Son Of Sarwan Mahto Resident Of Village - Rajiganj, P.S.-
Korha, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Kumari Wife of Ankaj Kumar Daughter of Ghanshyam Mahto, At
present residing at Village - Rajiganj, P.S.- Korha, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 01-05-2023 Heard Mr. Vinay Ranjan, learned counsel appearing
on behalf of the petitioner and Md. Mushtaque Alam, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 745 of 2020 registered under Sections
498(A) of the Indian Penal Code read with Section 3/4 of the
Dowry Prohibition Act.

3. The prosecution story, in brief, is that Opposite
Party No. 2 was married with the petitioner and after that
petitioner started assaulting her and making demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submits that he has received instruction that petitioner
is ready to live along with the Opposite Party No. 2, however, in



paragraph no. 11 of the bail application petitioner has made a specific statement that complainant-Opposite Party No. 2 herself does not want to stay with the him in her in-laws house whether she wants to live in her parent's house.

5. Learned counsel appearing on behalf of the Opposite Party No. 2 submits that the reason which has been stated in paragraph no. 11 of the bail application is not sustainable rather the fact is that the Opposite Party No. 2 has been abused and filthy comments has been passed that subjected to torture her both physically and mentally. Learned counsel further submitted that Opposite Party No. 2 is ready to live along with the petitioner if he keeps her with full dignity and honour and fulfill her physical as well as financial desires.

6. Considering the development which has taken place during the pendency of the present bail application, it would be in the interest of the justice as well as in the interest of the parties who have now agreed to live together only condition which has been put forth by Opposite Party No. 2 is that petitioner should not make any filthy comment which is not of her liking and fulfill her physical as well as financial needs and give her due respect as a wife.

7. The petitioner must appear before the Court below



along with Opposite Party No. 2 and file a joint affidavit that they are living together withing a period of three weeks till then no coercive steps shall be taken against the petitioner.

8. The Court below is directed to release the petitioner on provisional bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 745 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. If no complaint is found to be made by either parties for one year, the provisional bail granted to the petitioner shall be made absolute after one year subject to the terms and conditions as laid down under Section 438(2) of the Cr.P.C. and further any condition fixed by the Court below.

10. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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