

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6050 of 2023

Arising Out of PS. Case No.-48 Year-2021 Thana- BARGAINIA District- Sitamarhi

PAWAN KUMAR Son of Fekan Raut Resident of Village- Chiraiya Barahi
Jagdish, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDANI KUMARI D/O Devanand Raut Resident of Village-
Nandwara, P.S.- Bairgaina, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in connection
with Bairgaina P.S. Case No. 48 of 2021, dated 19.03.2021
registered for the offences punishable under Sections 498(A)/34
of the Indian Penal Code as well as Sections 3 and 4 of the
Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner is willing to keep the opposite party no. 2 with honour
and dignity. It is further submitted that if opposite party no. 2 is
willing to accompany the petitioner he will take her to Punjab
where he works but then submits that opposite party no. 2 is not



willing to accompany the petitioner for the reason that she has performed her second marriage and thus did not even appear on all the dates in the mediation proceeding. It is next submitted that in the mediation altogether four dates were fixed and the petitioner appeared on all the dates except one while the opposite party no. 2 appeared on only one date. It is again reiterated and submitted that the opposite party no. 2 was not even appearing before the learned Mediator for the reason that she was not interested in restituting her conjugal rights.

4. Learned counsel on behalf of the opposite party no. 2 submits that opposite party no. 2 appeared before the learned Mediator only once but then asserts and submits that opposite party no. 2 is not willing to restitute her conjugal rights.

5. Learned counsel for the petitioner, at this stage, submits that the opposite party no. 2 is adamant in not going back to the petitioner only for the reason that she has performed her second marriage. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that even the allegations are not such based on which one can come even to a prima facie conclusion that the opposite party no. 2 was being tortured and assaulted badly for dowry rather the allegation is cryptic and vague, though it is alleged that after



marriage for sometime the opposite party no. 2 was kept properly but thereafter the accused persons including the petitioner started demanding Rs.2 lakhs by way of dowry and for non-fulfillment of the same she was tortured.

6. Since the petitioner is willing to keep the opposite party no. 2 with honour and dignity and the opposite party no. 2 is not willing to accompany the petitioner, as such, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bairgania P.S. Case No. 48 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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