

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39134 of 2014

Arising Out of PS.Case No. -1582 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Birendra Dubey son of Shyamdeo Dubey resident of village Dubwalia,
P.O. +P.S. Jalalpur, Dist. Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar
2. Arti Kumari Mishra, wife of Birendra Dubey D/o Vidyanand Mishra,
resident of Mohalla Mauna, Husse Chapra Nai Basti P.S. Chapra
Town District Saran (Chapra).

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-03-2015 Heard the parties.

The petitioner is the husband of the complainant and apprehends his arrest in connection with complaint case no. 1582 of 2013 instituted under Section 498A of the IPC.

Contention of the petitioner is that he is always ready and willing to accept the complainant as his wife with full love, honour and dignity inasmuch as he has already filed an application under Section 9 of the Hindu Marriage Act before the Principal Judge for restitution of conjugal rights.

In view of the said stand taken before this Court the present application is disposed of by the following order:-

Let the petitioner, named above, in the event of his

arrest/surrender within four weeks from today before the Court below, be released on bail provisionally for a period of three months therefrom on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Saran at Chapra in connection with complaint case no. 1582 of 2013, Tr. No. 2381 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It will be open to the petitioner to seek mediation/conciliation in the present proceeding and/or in the pending proceeding before the family Court thereafter. Depending on the result of the conciliation/mediation proceeding, the learned Court below will be at liberty to either confirm or reject the bail.

(Kishore Kumar Mandal, J)

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