

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2902 of 2014

Arising Out of PS.Case No. -1207 Year- 2010 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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1. Pappu Yadav S/O Basudeo Yadav Resident Of Village- Chaughara, P.S.-
Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar Null Null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Chandra Bhushan Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

7 29-06-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

In spite of issuance of notice, opposite party No.2,
wife, has not appeared. It happens to be dispute amongst spouse.

In order to have reconciliation, prime object wherever
the prosecution under section 498A of the IPC survives,
appearance of adversary is found necessary. Unfortunately, wife
did not like that happen to be reason behind her absence.

Learned counsel for the petitioner submits that matter
amongst the spouse had already been settled at rest where under
she has been given land in token of maintenance and to support
the same annexure-2 has been filed. It has also been submitted that

now the wife insists for registration and in the present era on account of hike in registration fee petitioner is unable to afford, permits lingering of instant prosecution case.

Considering the submission made on behalf of the petitioner, the petitioner, namely, Pappu Yadav, is directed to surrender before learned Chief Judicial Magistrate, Madhepura in complaint case No. 1207/2010 with a prayer for bail whereupon the learned lower court will notice the complainant and in case there happens genuineness in the submission as well as existence of annexure-2, the deed of family arrangement permitting the wife to possess the land in token of maintenance, then in that event the petitioner shall be released on bail according to own satisfaction of learned lower court.

Till appearance of complainant, it looks desirable to direct the lower court to release the petitioner on provisional bail.

Contrary to the aforesaid event, learned lower court will pass appropriate order in accordance with law.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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