

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24243 of 2015

Arising Out of PS.Case No. -408 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Kumar Chandan son of Shiv Shankar Thakur resident of village-
Bhauwara Gangasagar, P.S. + District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Kumari Sangita W/o Kumar Chandan D/o Shiv Shankar Thakur resident
of Raj Kumar Ganj, P.S. + District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4. 09-10-2015 Heard both sides.

The petitioner apprehends his arrest in C.R. No.
408/2013 registered for the offences punishable under Section
498(A) and other sections of the Indian Penal Code.

The wife has made allegation that the petitioner
subjected her to physical and mental torture.

It is submitted that prior to filing of this case the
petitioner filed a divorce case which was dismissed in default. The
petitioner again filed a petitioner under Section 9 of the Hindu
Marriage Act for restitution of conjugal rights. He is ready to keep
his wife.

Learned counsel for the complainant has also submitted that the wife is also willing to live with her husband along with her child.

Considering the aforesaid facts, that the husband and the wife are ready to live together, the petitioner is directed to surrender in the court below within four weeks and on such the court below shall enlarge the petitioner on provisional bail after issuing notice to the complainant and after furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Madhubani in connection with C.R. No. 408/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C, and the court below shall make efforts for reconciliation of the dispute between the husband and wife. If the dispute is resolved, the provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved, the court below shall pass order on merit on the provisional bail of the petitioner.

(Prabhat Kumar Jha, J.)

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