

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34289 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Biplaw Bishwas Son of Ravi Bishwas resident of Belbag Bangali Colony,
P.s Mufassil Bettiah,District West Champaran.

.... Petitioner

Versus

1. The State of Bihar.

2.Soni Bishwas wife of Biplaw Bishwas D/o Subhash Bishwas resident of
Village Hind Cinema Chawk, Ramnagar, P.s Ramnagar District West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Smt. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 16-10-2015

Heard both sides.

The petitioner apprehends his arrest in Bagaha Mahila
P.S. Case No. 20/2015, registered for the offences punishable
under Sections 498A, 313 and other Sections of the Indian Penal
Code.

The wife made allegation against the petitioner that the
petitioner assaulted her causing miscarriage and also drove her out
from the house.

It is submitted that prior to filing of this FIR, the
informant filed Complaint Case No. 2115c/2013 and the petitioner
was granted anticipatory bail on the basis of compromise. On

22.08.2014, the petitioner took his wife in his house but the informant left the house of the petitioner and made all sorts of allegation of assault and miscarriage.

It is further submitted that the petitioner took his wife after 18.08.2014. The wife did not raise any objection on 08.10.2014, but in the year 2015, the complainant filed petition for cancellation of bail of the petitioner and consequently, the bail bond of the petitioner was cancelled. The petitioner filed the petition against the order of cancellation before this court. Thereafter, the complainant alleged that on 06.09.2014, she was brutally assaulted causing miscarriage of two months pregnancy. This fact itself is false, as the complainant went to live with the petitioner only after 22.08.2014.

Further, it is submitted that the petitioner is ready to resolve the disputes amicably.

On the other hand, learned counsel for the informant has submitted that the wife is ready to live with her husband on any undertaking.

Considering the facts aforesaid and the fact that both the parties are ready and willing to resolve their disputes amicably, the petitioner above named is directed to surrender in the court below within four weeks from the date of receipt/production of a copy of

this order and the court below shall enlarge the petitioner on provisional bail for six months, after issuing notice to the complainant, 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, Bagaha, West Champaran in connection with Bagaha Mahila P.S. Case No. 20/2015, 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 between the husband and the wife. If the dispute is resolved amicably, the provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved amicably, the court below shall pass order in accordance with law on the provisional bail of the petitioner.

(Prabhat Kumar Jha, J.)

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