

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42252 of 2015

Arising Out of PS.Case No. -200 Year- 2012 Thana -KATEYA District- GOPALGANJ

=====

1. Vijay Kumar Jaiswal @ Vijay Jaiswal Son of Sri Jai Prakash Jaiswal
Resident of village + P.O. + P.S. Kateya, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhramveer

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

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 16-09-2015 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel,

appearing for the informant.

Petitioner, being husband of the informant, is

languishing in jail custody since 13-07-2015 in a case registered

under Section-498A, 406 of the Indian Penal Code and Sections-

3/4 of Dowry Prohibition Act.

Earlier petitioner was granted provisional

anticipatory bail by a coordinate bench of this court by order dated

29-10-2013 passed in Cr. Misc. No. 40315 of 2012 subject to

condition that the provisional bail, granted to the petitioner shall

be confirmed, if, the matrimonial harmony restores or the

informant refuses to reconcile the issue or informant fails to

appear before the court below.

It appears that in pursuant to the aforesaid order, the petitioner surrendered before the court below and he was granted provisional bail but in course of reconciliation, the matter could not be settled and the informant again, filed a case i.e. Mahila P.S. Case No. 02 of 2014 against the petitioner and his family members.

The contention on behalf of the petitioner is that the informant, herself does not want to lead her conjugal life with the petitioner. Moreover, she has filed Divorce Suit against the petitioner. It is also pointed out by learned counsel for the petitioner that petitioner was ready to settle the dispute by way of one time settlement and he had produced a draft of Rs. 6,00,000/- (six lacs) but the informant refused to accept the aforesaid draft.

Learned counsel, appearing for informant points out that after the order dated 29-10-2013 passed in Cr. Misc. No. 40315 of 2012, the informant went along with the petitioner but she was, again, subjected to cruelty and harassment by the petitioner and his family members and, thereafter, she filed Mahila P.S. Case No. 02 of 2014. It is also pointed out by him that on the assurance of the petitioner, she had already withdrawn the divorce suit and so far as a draft of Rs. 6,00,000/- (six lacs) is concerned;

the same was withdrawn by the petitioner from the concerned court.

Regard being had to the facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kateya P.S. Case No. 200 of 2012 to the satisfaction of learned Sub Divisional Judicial Magistrate, Gopalganj.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--