

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30724 of 2014

Arising Out of PS.Case No. -189 Year- 2013 Thana -MUNGER COMPLAINT CASE District-
MUNGER

1. Manoj Kumar Son of Surendra Nath Resident of Village :- Modha (Dkshin), P.S. Faizabad, Dist.-Faizabad (U.P.), Presently residing at Mohalla -Krishan Nagar, Road No. 7, Behind Subhash Road, OP.S. Ijjat Nagar, Dist.-bareilly (U.p._

.... Petitioner/s

Versus

1. State of Bihar
2. Soni Kumar @ Soni Sharma Wife of Sri Manoj Kumar and daughter of Sri Ram Lakhan Sharma, Presently residing at village and P.O. Saroj Bag, P.S. Dharhara, Dist.-Munger

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. A.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 24-03-2015 Heard both sides.

The petitioner seeks bail in a case under section 498(A) of the I.P.C. and section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner and his wife filed a petition seeking divorce by mutual consent, and the said case was fixed for reconciliation on 16-12-2014 , but the court became vacant. The husband and the wife had agreed to dissolve the marriage by decree of divorce with mutual consent.

Mr. Pankaj Kumar, learned counsel for the complainant while opposing the anticipatory bail application of the petitioner has submitted that only a petition for divorce by mutual consent on the terms stated therein was filed, but no order was passed. There

is a dispute with regard to payment of permanent alimony. If this case is disposed of, the petitioner may adopt delaying- dallying tactics and he will not pay the appropriate maintenance or alimony to his wife.

Having considered the facts that the petitioner and his wife, the complainant, have mainly agreed to dissolve their marriage by mutual consent, and the case is fixed for reconciliation, the petitioner 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 a period three months or more on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Subdivisional Judicial Magistrate, Munger, in connection with Complaint Case No. 189(C) of 2013. If the dispute is resolved amicably, the court below shall confirm the provisional bail of the petitioner. If the dispute between the husband and wife is not resolved, the court below shall pass order on its own merit on the provisional bail of the petitioner.

(Prabhat Kumar Jha, J)

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