

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17310 of 2015

Arising Out of PS.Case No. -311 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Radhey Shyam Chaupal, son of Shri Hari Chaupal, resident of village-
Paunta, P.S.- Mehra, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Runa Devi, daughter of Bachhelal Chaupal, resident of village- Pantab
Benta, P.S.- Khajauli, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.311 of 2013 registered under Sections 323,
324, 379, 504 and 498(A) of the Indian Penal Code besides
Sections 3/4 of the Dowry Prohibition Act.

There is allegation of torturing and assaulting the
complainant (opposite party no.2) against all the accused persons
named in the complaint petition including the petitioner, who is
the husband of the complainant (opposite party no.2), for non
fulfillment of the dowry demand. It is also alleged that the

complainant (opposite party no.2) was ousted from her matrimonial house by taking all her belongings by them.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the husband of the complainant (opposite party no.2) and the petitioner is still ready to keep the complainant (opposite party no.2) with full honour and dignity. It is further submitted that out of the wedlock of the petitioner and the complainant (opposite party no.2), there is female child of aged about 3 years. Further submission is that the petitioner is residing at Mumbai to earn livelihood and the complainant (opposite party no.2) wants to live with him at Mumbai but as the petitioner is not ready to take her to Mumbai due to his meager income, due to that reason, the complainant (opposite party no.2) has filed this false complaint case.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks, be enlarged on provisional bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Madhubani, in connection with Complaint Case No.311 of 2013, subject to the conditions laid down under Section 438(2) Cr.P.C.

Learned trial court is directed to issue notice to the complainant (opposite party no.2) and make attempt to resolve the dispute in between the petitioner and the complainant (opposite party no.2) by taking all possible efforts and if the dispute is resolved in between the complainant (opposite party no.2) and petitioner, then confirm the provisional bail of the petitioner. If the dispute is not resolved in between the complainant (opposite party no.2) and petitioner then the trial court will pass the order on its own merit.

This application is, accordingly, disposed of.

(Rajendra Kumar Mishra, J)

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