

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1239 of 2017

Arising Out of PS.Case No. -608 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

=====

Avinash Singh @ Taplu @ Avinash Kumar @ Tappu son of Awadhesh Singh, Resident of Village – Badahari, P.S. – Badahari, District – Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Devi, wife of Avinash Singh @ Tappu, Daughter of Chandrama Choudhary, Resident of Village – Badahari, P.S. – Badahari, District Rohtas, at present Resident of Village – Baswariya, P.S. – Kuchchila, District - Kaimur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 04.11.2016 in connection with Complaint Case No. 608 of 2014 registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The allegation made in the complaint case by the complainant, who is the wife of the petitioner, is that after her marriage she went to her matrimonial home in December, 2010. After some time, accused persons started torturing her due to non-fulfilment of demand of dowry and lastly she was driven out of



her matrimonial home.

It has been submitted by the learned counsel for the petitioner that he is innocent and is ready to take his wife to her matrimonial home along him, but the complainant refuses to come along with him. Learned counsel for the petitioner submits that he is ready to keep his wife with full dignity and honour, as he had undertaken while he was granted the privilege of anticipatory bail earlier by the learned Court below, but the complainant is not willing to stay with him.

However, learned A.P.P. for the State submits that it is evident from the impugned order that complainant is willing to stay with the petitioner, but the petitioner being husband is not willing to stay with her, hence, opposes the prayer for bail.

Considering the facts and circumstances, since there appears to be some dispute between the petitioner and the complainant, who are husband and wife, and both are willing to stay with each other, as is evident from the present application and the impugned order, let the petitioner above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Complaint Case No. 608 of 2014, subject to the



condition that both the petitioner and the complainant will appear before the learned Court below on 30.01.2017 and the petitioner will duly inform the complainant about the date of appearance before the learned Court below. If the learned Court below finds that the petitioner is at fault in not taking away the complainant along with him, the learned Court below will be at liberty to cancel his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

Arjun/-

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

