

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24325 of 2017

Arising Out of PS.Case No. -317 Year- 2016 Thana -COMPLAINT CASE District- JAMUI

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1. Alok Ratan Son of Sri Ghanshyam Prasad, Resident of Village-West Ajimangj, Police Station- Haveli Kharagpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Prem Pyari, W/o Alok Ratan, D/o Sri Mahadeo Yadav, Resident of Village- Chaain, Police Station- Jhajha, in the district of Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Complaint Case No. 317-C of 2016 instituted for the offence under Sections-323, 504, 498(A) of the Indian Penal Code and ¾ of Dowry Prohibition Act.

The petitioner is husband of the informant. There is allegation against the petitioner of committing torture for non-fulfillment of demand of dowry. It has been submitted on behalf of the petitioner that opposite party No. 2 is working as a teacher in Middle School, Jamui whereas; the petitioner is living in Munger in his house. The wife does not want to live with him because at present, she is doing job at Jamui. Counsel for the petitioner further submits that he has filed a petition u/S 9 of Hindu Marriage



Act for restoration of conjugal right wherein opposite party No. 2 has appeared and filed written statement.

Counsel for opposite party No. 2 submits that because the petitioner used to commit torture with her, she is not willing to live with the petitioner. He has submitted that the wife wants one time settlement with the petitioner.

In such circumstances, since opposite party No. 2 is not willing to live with the petitioner, the prayer for bail is allowed and the petitioner named above, is directed to 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 Complaint Case No. 317-C of 2016 to the satisfaction of learned Chief Judicial Magistrate, Jamui subject to condition that both the bailors should be close relatives of the petitioner.

The wife (opposite party No. 2) may file petition in the court below for one time settlement which shall be considered by the court below in accordance with law after issuance of notice to the petitioner.

(Sanjay Priya, J)

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