

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16162 of 2017

Arising Out of PS.Case No. -1305 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Nandan Kumar, Son of Surendra Prasad Singh, Resident of Village -
Kubauli, P.S. Paroo, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Suchitra Kumari wife of Nandan Kumar, Daughter of Shiv Chandra
Singh R/o Village - Balra Kishun, P.O. Balra Ismail, P.O. Maniyari, District
- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate.
For the State : Mr. Gopesh Kumar, APP.
For the Opposite Parties : Mr. Prabhakar Tekriwal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-04-2017 Heard Mr. Nachiketa Jha, learned counsel for the
petitioner, Mr. Prabhakar Tekriwal, learned counsel for the
informant and learned APP for the State.

The petitioner apprehends his arrest in Tr. No. 4068 of
2016, arising out of Complaint Case No. 1305 of 2015, registered
for the offence punishable under Section 468A of the Indian Penal
Code.

The complainant made allegation of demand of dowry
and torture against the petitioner.

Learned counsel for the petitioner submits that the wife
deserted the petitioner and left his residence. Thereafter, the



petitioner filed divorce case in Kalol, Mehsana, Gujarat and the wife filed this complaint case. The petitioner is paying Rs. 10,300/- for the maintenance of the wife and the child. It is further submitted that the petitioner is ready to keep his wife.

Shri Prabhakar Tekriwal, learned counsel for the complainant submits that from perusal of the divorce case petition it would appear that there is no tangible ground to seek divorce. The petitioner wants to desert his wife on one ground or the other. The wife is ready to live with her husband provided that her husband will keep her properly.

Considering the facts aforesaid, the petitioner above named is directed to surrender in the court below within eight 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 six months on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, (West) Muzaffarpur in Tr. No. 4068 of 2016, arising out of Complaint Case No. 1305 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and the court below shall make efforts for reconciliation between the husband and the wife. If the dispute is resolved, the provisional bail granted to the



petitioner shall be confirmed and if the dispute is not resolved the court below shall pass order in accordance with law immediately after expiry of six months on the provisional bail of the petitioner.

(Prabhat Kumar Jha, J.)

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