

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55576 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA P.S. District- BANKA

=====

Rakesh Kumar @ Rakesh, S/o Arbind Mandal, resident of village- Hirambi,
P.S.- Dhoraiya, Distt.- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ragini Kumari, W/o Rakesh Kumar, D/o Sri Krishna Singh, resident of
Village - Gandhigram, Police Station - Tilkamanjhi, District - Bhagalpur.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2017

Heard both sides.

The petitioner apprehends his arrest in Banka (Mahila) P.S. Case No. 12/2016 registered under Sections 498(A), 354, 379 and other sections of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

The petitioner is husband and the informant made allegation of demand of dowry and torture against the petitioner. Sri Ajay Mukherjee, learned counsel for the petitioner, submits that the petitioner earlier sent a Notice (Annexure – 2) to his wife on 08.02.2016; thereafter, his wife filed this petition on 21.11.2016. The petitioner also filed Matrimonial Case No. 13 of 2016 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and the wife filed reply to the aforesaid case. She



is willing to live with the petitioner. The petitioner is also willing on any undertaking to keep his wife with full honour and dignity

Considering the willingness of the petitioner to keep his wife with full honour and dignity as the wife is also willing to live with the petitioner, the above named petitioner is directed to surrender in the court below within four weeks from today and the court below shall grant provisional bail to the petitioner for six months on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Saroj Kriti, Judicial Magistrate, 1st Class, Banka in Banka (Mahila) P.S. Case No. 12/16.

The court below shall make all efforts for reconciliation of the dispute between the husband and the wife. If the dispute is resolved amicably between the parties, the provisional bail granted to the petitioner shall be confirmed. If the petitioner refuses to keep his wife, the court below shall pass orders on the prayer for provisional bail of the petitioner immediately after expiry of six months in accordance with law.

(Prabhat Kumar Jha, J)

Dilip/-

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

