

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16658 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -MAHILA P.S. District- ARRARIA

=====

Chandan Sah @ Chandan Kumar Sah @ Chandan Gupta Son of Dayanand Sah, Resident of Village- Mirzapur, Ward No.11, P.S.- Simraha, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi, D/o Sanjay Sah, W/o Chandan Sah @ Chandan Kumar Sah @Chandan Gupta, Resident of Village- Sonapur, P.S.- Narpatganj, District- Araria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-04-2017 The petitioner is apprehending his arrest in connection with Araria (Mahila) P.S. Case No. 01 of 2017 registered for offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It has been submitted that allegation against the petitioner is of cruelty and torture to the wife and further it is stand of the petitioner that he is still ready to keep her with full dignity and honour and rather he has filed a case under section 9 of the Hindu Marriage Act for restitution of conjugal rights on 24.11.2016 before the Family Court, Araria and thereafter, the present case has been lodged on 31.1.2017 and that she is not interested herself to carry forward the marriage life with the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the submission that petitioner



has filed a restitution of conjugal rights, as such, let the petitioner surrender in the court below and make prayer for regular bail and on his surrender, the petitioner shall be released on provisional bail for a period of six months on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of court below and in the meantime, the court below will call upon the opposite party no.2 in the court below and mediate between the parties and if both have to cooperate in mediation and once on being satisfied with the conduct of both the parties, he will confirm the bail bond of the petitioner otherwise the court below will be at liberty to pass any other order/orders as may deem fit and proper.

It is also made clear that if the opposite party no.2 is not cooperating for the same and her conduct is found against unfavourable with regard to matrimonial life, the court below confirm the provisional bail of the petitioner.

Accordingly, this application is disposed off.

(Vinod Kumar Sinha, J)

Ravi/-

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

