

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13980 of 2017

Arising Out of PS.Case No. -74 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Akhileshwar Prasad, S/o Balmukund Prasad, R/o Gondar Bigha, P.S.-
Ongari, District-Nalanda.

.... Petitioner.

Versus

1. The State of Bihar
2. Babita Devi, D/o Sheo Shankar Prasad, R/o Village-Sheonagar, P.S.-
Parbalpur, District-Nalanda.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Dineshwar Mishra, Advocate.

For the Opposite Parties : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 30-06-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 74(C) of 2014 registered for the offences punishable under
Sections 498(A), 323 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is the husband of the complainant but he is ready to
keep his wife. The marriage was solemnized in the year 2008 but
when the complainant did not agree to live with the petitioner, the
petitioner filed a petition for restitution of conjugal rights. The
wife appeared and agreed to live with the petitioner but, the wife
has not accompanied the petitioner. The petitioner again filed the
divorce case.



Learned counsel for the informant submitted that the complainant is ready to live with her husband but her husband is not willing to keep her.

considering the facts that the husband and wife are willing to live together, the petitioner above named is directed to surrender in the court below within six 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 Learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in Complaint Case No. 74(C) of 2014, 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 lapse of six months on the provisional bail of the petitioner.

(Prabhat Kumar Jha, J.)

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