

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19416 of 2017

Arising Out of PS.Case No. -62 Year- 2015 Thana -MAHILA PS District- JAMUI

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Aswani Singh @ Chhotu Singh Son of Shankar Dayal Singh, Resident of Mohalla - Shastri Colony, Ward No.7, P.S.- Jamui, District- Jamui, Permanent Resident of Village- Rampur Ami, P.S.- Dighwara, District- Saran Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Singh, Wife of Aswani Singh @ Chhotu Singh C/o Shankar Dayal Singh, Retired S.I. Police, Resident of Mohalla- Shastri Colony, Ward No.7, P.S.- Jamui, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 11-07-2017 Heard both sides.

The petitioner apprehends his arrest in Jamui Mahila P.S. Case No. 62/2015, registered for the offences punishable under Section 498A and other sections of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The wife of the petitioner made allegation that the petitioner and his family members subjected her to all sorts of torture.

Learned counsel for the petitioner submits that father of the petitioner was Sub-Inspector of Police and he constructed the house in Jamui town. The informant is also living in the same



house, but she lodged the case making false and frivolous allegation. The petitioner is ready to keep his wife.

Learned counsel for the informant submits that in the year 2010 her mother-in-law died, thereafter, her father-in-law and the petitioner started torturing her. The marriage was solemnized fourteen years ago, but now the petitioner (husband) left that place and went to his house situated in district Saran. The petitioner is not living with the informant. The informant is also ready to live with her husband.

Considering the facts aforesaid and the fact that husband and wife are willing to live together, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Sub-Divisional Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 62/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

Thereafter, the court below shall make all efforts for resolution of the dispute between husband and wife, if the husband



(petitioner) keeps his wife properly and live with her wife at Jamui, learned court below shall confirm the provisional bail granted to the petitioner.

If the petitioner does not keep his wife properly, learned court below shall pass order in accordance with the law, immediately after lapse of six months on provisional bail.

(Prabhat Kumar Jha, J.)

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