

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19971 of 2017

Arising Out of PS.Case No. -2070 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Sushil Kumar, Son of Munnilal Sah, Resident of Mohalla - Krishchan Quater, Noniyar Toli, Ward No.7, P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smita Devi @ Reeta Devi, Wife of Sushil Kumar, Daughter of Dwarika Prasad, Resident of Krishchan Quartar, Ward No. 7, P.S.- Bettiah Town, District- West Champarn. At present - R/o Sant Ghat, Infront of G.N. Collage, P.S.- Bettiah Twon, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 03-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2070C of 2014, registered under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torturing the complainant-opposite party no. 2 by her husband and in-laws due to demand of dowry and also to remove her from matrimonial house along with her child.



Learned counsel for the petitioner submits that petitioner is ready to keep his wife-opposite party no. 2 with full dignity and honour and he has also filed the Matrimonial Case No. 417 of 2013 for restitution of conjugal right, in which, complainant appeared and filed the written statement, in which, she did not express her desire to live with this petitioner. It is further submitted that it would appear from paragraph 13 of the written statement filed on behalf of the opposite party no. 2 that opposite party no. 2 has got a valid, cogent and legal ground to live separately from the petitioner. In fact, opposite party no. 2 filed Case No. 267 of 2014, in which, the petitioner was directed to pay Rs.45,00/- per month for maintenance of opposite party no. 2 along with her child.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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, Bettiah, West Champaran, in connection with Complaint Case No. 2070C of 2014, subject to the



condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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