

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8341 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -MAHILA P.S. District- PATNA

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1. Vishal Chandra, son of Shri Krishna Kant Sharma, resident of Village/Mohalla- 44, National Insurance Colony, Behind Awadh Apartment, Mahatma Gandhi Nagar, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Susham, D/o Sharada Nand Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Rama Kant Sharma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-07-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 504, 506, 420, 379/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner is husband of opposite party no. 2. There is allegation of demand of dowry and torture for the same. The petitioner had filed Matrimonial Case No. 5449 of 2014 before the learned Principal Judge, Family Court, Patna under Section 9 of the Hindu Marriage Act and the learned Principal Judge has allowed the prayer and directed opposite party no. 2 to join conjugal life with the petitioner. However, opposite party no. 2



did not obey the said order and she did not appear before the Mediator for conciliation.

Learned counsel for the complainant opposed the prayer for bail. However, does not dispute the aforesaid factual position that petition of the petitioner under Section 9 of the Hindu Marriage Act has already been allowed by the competent court and the opposite party no. 2 did not appear before the Mediator.

Considering the aforesaid fact, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Patna/successor Court in connection with Mahila Police Station Case No. 66 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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