

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68429 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- JAKKANPUR District- Patna

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Amit Agrawal @ Amit Kumar Agarwal, Son of Late Ajit Agarwal, Resident of Mohalla- Rose-D/502, Anchor Park, Evershine City, Last Bus Stop, Near Old Tower Tank, Vasai (East), P.S.- Vasai, District- Palghar, Mumbai (Maharastra)- 401208.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nibha Agrawal, Wife of Amit Agrawal, Daughter of Shivnath Agrawal, Resident of Village- Prithvipur, Amar Kisan Store, P.S.- Jakkanpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Pd. Sinha, Sr. Advocate.
		Mr. Yogendra Kr. Singh, Advocate.
For the Opposite Party/s	:	Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Jakkanpur P.S. Case No. 83 of 2017** instituted for the offence under Section(s) 498A Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

The case was earlier adjourned on 28.11.2018 enabling both the parties to come to amicable settlement after sorting out the differences since it was submitted on behalf of opposite party No. 2 (wife) that she is ready to make amicable settlement with her husband (petitioner).

Counsel for the petitioner submits that wife is not



ready for any talk of settlement which is evident from the impugned order also. Counsel for the petitioner further submits that he has filed case under Section 9 of Hindu Marriage Act on 22.8.2017 in Vasai, Mumbai, for restitution of conjugal rights.

The informant alleged in the written report that she was married with this petitioner in the year 2016. She has been tortured in her sasural and ultimately forced to leave her sasural on account of non-fulfillment of demand of dowry.

In such circumstances, this Court finds that in spite of opportunity having been given, no amicable settlement could be arrived at between the parties.

Counsel for the petitioner submits that petitioner is ready to keep his wife with full dignity and care, but wife (opposite party No. 2) is not ready to live with petitioner. Petitioner has also filed a petition in the court below under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate,**



Patna, in connection with **Jakkanpur P.S. Case No. 83 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

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