

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53977 of 2018

Arising Out of PS.Case No. -8 Year- 2018 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Pravin Kumar, Son of Shailesh Kumar Chandra, village EKsarai, P.S. Silav,
Distt. Nalanda, at present Beur Patel Colony, Batora Road, I.M. Digital
Network, Anisabad, P.S. Beur, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Advocate.

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mahila P.S. Case No. 08 of
2018 instituted for the offence under Sections 341, 323, 504, 506,
498(A)/34 of Indian Penal Code and Section 34 of Dowry Prohibition
Act.

Learned counsel for the informant submits that petitioner
has filed Divorce case against the informant in which notice has been
received by him. Counsel for the informant further submits that girl is
ready to live provided petitioner withdraw divorce case.

Counsel for the petitioner submits that petitioner is ready
to withdraw Divorce case if the wife (informant) is ready to live with
him.

Petitioner is in custody since 26.07.2018.

In such circumstances, the petitioner is directed to file



affidavit in the court below that he will withdraw Divorce case and will keep his wife with full dignity and care. In that event the court below i.e. learned Sub Divisional Judicial Magistrate, Nalanda, will release the petitioner on provisional bail for a period of nine months in connection with Mahila P.S. Case No. 08 of 2018 and will issue notice to the informant (wife) fixing the date for her appearance in the court, and on that date, the petitioner will take his wife with him. In the event the court below is satisfied that good conjugal relationship has been restored between husband and wife and they are living together as husband and wife and wife does not make any complain about physical and mental torture committed by the petitioner during the period of her stay with him, the provisional bail granted to the petitioner will be confirmed after nine months.

It is made clear that in the event the court below finds that petitioner is always ready to keep his wife with full dignity and care and he is also ready to withdraw the case, but the wife does not want to live with the petitioner, the court below will confirm the provisional bail granted to the petitioner.

In the event wife (informant) makes complaint about mental and physical torture committed by the petitioner during her stay, the court below will cancel the bail bond of petitioner.

(Sanjay Priya, J)

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