

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5859 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- MAHILA P.S. District- Madhubani

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JAY PRAKASH PRASAD, S/o Shiv Nath Prasad, Resident of Village-
Kamtaul, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari, wife of Jay Prakash Prasad and daughter of Dhruv
Narayan Chaudhary, Resident of Shankar Chowk, Town P.S., Distt.-
Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ratanakar Jha, Adv.
For the Opposite Party/s :	Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Learned counsel for the petitioner is permitted to
implead O.P. No.2 as party respondent.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341, 323, 498(A), 504 and 34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

The prosecution case as per the written report of
Manisha Kumari, submitted to the S.H.O., Mahila P.S.,
Madhubani is to the effect that marriage between the informant



and the petitioner, Jai Prakash Prasad was performed in the year, 2009. Subsequently, they were blessed with two children. Thereafter, further dowry demand of Rs. 2 lacs and a bullet motorcycle was made and due to non-fulfillment of the same, torture has been inflicted upon the informant by all in-law family members including the petitioner. It is further alleged that on 00.02.2018, all the accused persons tried to kill the informant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children. It is further submitted that the petitioner earlier filed Matrimonial Case No.104 of 2013 for restitution of conjugal life and thereafter the present case has been lodged against the petitioner. Moreover, the petitioner is still ready to keep the informant as wife with full dignity and honour, though statement to that effect has not been made in the petition.

Considering that present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned **S.D.J.M., Madhubani** in connection with **Mahila P.S. Case No.34 of 2018**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the O.P. No.2 for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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