

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5790 of 2019

Arising Out of PS. Case No.-2723 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Ram Pravesh Kumar, Son of Sri Baiju Bhagat, Resident of Village + P.O.
Bharokhara, P.S. Patepur, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Rangila Devi, D/o Bishundeo Bhagat, Resident of Village+P.O.
Bharokhara, P.S. Patepur, District Vaishali, At Present Village- Mustafapur,
P.S.- Goroul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-02-2019 Heard both sides.

Petitioner apprehends his arrest in Vaishali Complaint
Case No. CI 2723 of 2017 for the offences allegedly committed
by the petitioner under Section 498(A) of the Indian Penal
Code.

The complainant is the wife of the petitioner. The
complainant made allegation that after marriage she went to her
sasural but her husband and other in-laws began to demand
motorcycle and due to non-fulfillment of additional demand of
dowry, her husband and other in-laws assaulted her. Her
husband dropped her to her house on 31.01.2017 after assaulting
her.



Learned counsel for the petitioner submits that the complainant herself disclosed that *Panchayati* was held in the month of August, 2017 but the complaint petition was filed on 30.10.2017. The petitioner is still ready to keep his wife provided his wife lives peacefully in his house.

On the other hand, learned counsel for the complainant submits that the complainant is ready to live with her husband in her in-laws house but earlier her husband had also taken her to his house from the family court in Maintenance Case No. 32 of 2018 but after some time her husband brutally assaulted her causing her abortion. It is further submitted that even then the complainant has got no objection to live with her husband if her husband gives undertaking to behave properly and allow her to live in the house with all honour and dignity.

Having considered the facts aforesaid and the fact that the husband and wife are willing to live together, the petitioner is directed to surrender in the court below within four weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hazipur in



connection with Complaint Case No. CI 2723 of 2017.
Thereafter, the learned court below shall make efforts for resolution of the dispute between husband and wife. If the dispute is resolved, the provisional bail granted to the petitioner shall be confirmed. If the petitioner does not keep his wife properly, the learned court below shall pass order on provisional bail immediately after four months.

(Prabhat Kumar Jha, J)

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