

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12128 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- MAHILA P.S. District- Nalanda

Kamlesh Kumar @ Kamlesh Kumar Akela Son of Rajeshwar Ram, Village -
Devkali Ghat (Anand Nagar), P.S. - Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

1. State of Bihar
2. Neelam Kumari Wife of Kamlesh Kumar @ Kamlesh Kumar Akela, D/O
Vijay Kumar, R/O village and P.S.- Harnaut, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-02-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S.
Case No.113 of 2018 registered under Sections 341, 323, 307,
504, 506, 498A and 34 of the Indian Penal Code and under
Section 3/4 of the Dowry Prohibition Act.

The informant (wife of petitioner) alleged that after
her marriage with the petitioner on 27.05.2015 went to her in-
law's house. Her husband and other in-laws continuously
subjected her to physical and mental torture. She was driven out
from the house in the month of May, 2018 and the accused
persons did not take care of her.

Learned counsel for the petitioner submits that as per



allegation made by the wife of petitioner she was driven out from the house in the month of May, 2018 but she lodged the case on 23.10.2018 i.e. only after five months of the occurrence. It is further submitted that the petitioner is always ready to keep his wife. The petitioner filed a matrimonial suit under section 9 of the Hindu Marriage Act for restitution of conjugal rights and only thereafter the informant lodged this case.

Having considered the facts that the informant lodged the case after five months of the occurrence and before institution of the present case, the husband of informant lodged matrimonial suit for restitution of conjugal rights, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda in connection with Mahila P.S. Case No.113 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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