

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15431 of 2019**

Arising Out of PS. Case No.-359 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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KAMLESH RAM S/o Late Ramjee Ram, Resident of Village-Babhniaon,  
P.S.-Chand, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR AND ANR. Bihar
2. Kiran Devi Wife of Kamlesh Bind D/o Anganu Ram, Resident of Village-Babhniaon, P.S.-Chand, District-Kaimur at Bhabua, at present R/village-Kharati-Khurd, P.S.-Chand, District-Kaimur at Bhabua.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Tribhuwan Narayan  
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

6      17-09-2019                      Heard learned counsel for the parties.

From perusal of the order it appears that undelivered registered cover notice has returned with report of the Postal Peon that no person of this name is residing on the given address and the office notes discloses that service of the ordinary notice has not been received, however, on perusal of the record it transpires that the Postal Peon report dated 26.7.2019 shows that the O.P.no.2 was available but she shown her inability to come to Patna as she is unable to meet the expenses.

In view of the above, service of notice be accepted as valid.



The petitioner is apprehending his arrest in connection with Complaint Case No.359 of 2018 registered for offences punishable under Sections 498(A) and 406/34 of the Indian Penal Code and Sections 3/4 of the D.P.Act.

Allegation against the petitioner is about demand of motorcycle and buffalow and for that assaulting the complainant (wife) and ousted her from the house.

Submission of the learned counsel for the petitioner is that he is still ready to keep her and for that he has given an undertaking before the learned court below that he will keep her with dignity and care and on that the learned court below has allowed the petitioner to go to her *Maike* and persuade her to come and reside with the petitioner but it appears from the impugned order that he has not availed the opportunity.

On the other hand submission of the learned counsel for the petitioner is that he had gone there but her brother has not allowed to meet his wife as such he could not bring her back.

Heard learned A.P.P. also.

Having heard both sides and in view of submission made above and as O.P.no.2 has not appeared despite service of notice, let the petitioner surrender before the learned court below within a period of two weeks from the date of receipt of



the order and on her surrender, he will be released on provisional bail in connectin with Complain Case No.359 of 2018 for a period of four months and during that period the learned court below shall issued notice to the O.P.no.2 and on her appearance before the learned court below, he will inquire about her desire as to whether she wants to reside with the petitioner or not and considering the above fact as well as considering the conduct of both the parties, he will consider confirmation of the bail bond of the petitioner and if not satisfied he may pass any other order or orders as he deems fit and proper.

With the aforesaid direction, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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