

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18324 of 2019

Arising Out of PS. Case No.-3141 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. MANOVER HUSSAIN @ MD MANOVER HASAN, Son of Md. Manir Resident of Village Lalmania P.S.- Laukaha (Lalmania), District-Madhubani.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Kainat Hashmi, Wife of Md. Manover Hussain D/o Md. Hashim, Resident of Mohalla Paharpur, P.S.- Gardanibagh, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 30-07-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 3141(C) of 2017 instituted for the offences punishable under Sections 498A, 379, 504, 506, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of demand of Rs15 lacs as dowry and for non-fulfilment of the same he subjected his wife to torture and cruelty.

Submission of learned counsel for the petitioner is that as a matter of fact she is not ready to reside in the village of the petitioner and in the mediation also she was not ready to reside in the village of the petitioner and petitioner is working at



Assam and it is not possible for him to keep her there.

It appears that the matter was sent to the Mediation and Conciliation Centre, Madhubani and mediation failed.

Heard learned APP and learned counsel for the opposite party No.2, who has submitted that she is ready for one time settlement as it is not possible for her to reside in the village of the petitioner and for that she is ready to file a mutual divorce case and petitioner may be directed to pay some amount to her for her maintenance.

In view of above facts and circumstances, let petitioner surrender by 9.8.2019 on the condition that he shall pay Rs.10,000/- per month to opposite party No.2 till any order is passed in the mutual divorce case on consent, if any filed by the parties and on appearance he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Patna, in Complaint Case No. 3141(C) of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition is that



if opposite party No.2 is ready to file divorce application on mutual consent, the petitioner shall co-operate in filing of such petition and in disposal of the same.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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