

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19239 of 2019**

Arising Out of PS. Case No.-44 Year-2017 Thana- MAHILA PS District- Khagaria

PRABHAT KUMAR Son of Late Uday Kumar Paswan, Resident of Village-
Labhgaon, P.S.-Gangour (Khagaria), District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Kumari Wife of Prabhat Kumar, Daughter of Dev Kumar,
Resident of Village-Nanhku Mandal tola P.O-Durgapur, P.S-Muffasil,
District-Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-04-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. case No. 44 of 2017 registered under Section 498A/34 of the IPC and u/s 3/4 of Dowry Prohibition Act.

The informant alleged in his written petition that after her marriage she lived happily in her Sasural for about a year but thereafter her husband and other family members started subjecting her to physical and mental torture due to non fulfillment of additional demand of dowry of Rs. 5 lac and a car.

The learned counsel for the petitioner submits that in fact petitioner was appointed on compassionate ground after death of his father but his wife does not want to live with the petitioner in joint family. It is further submitted that petitioner filed petition for restitution of conjugal rights on 09.10.2017 (Annexure-2) and on the next date the informant filed the present FIR making omnibus and general allegation against



petitioner and his other family members. The informant has already appeared and filed written statement in the petition for restitution of conjugal rights. She took stand that she apprehends danger on her and life of her daughter at the hands of petitioner and his other family members but the petitioner undertook about all safety and security of his wife even then his wife did not come to the house of petitioner, who lived in joint family.

Considering the facts aforesaid and the fact that petitioner is ready to keep his wife with all honour and dignity but his wife refused to live with petitioner on a pseudo apprehension of danger on her life at the hands of petitioner, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Khagaria in connection with Mahila P.S. case No. 44 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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