

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79706 of 2018

Arising Out of PS. Case No.-209 Year-2018 Thana- BANIAPUR District- Saran

Subash Kumar son of Gulab Chand Prasad resident of Village- Harpur,
Dakshin Tola, Police Station - Baniyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Baby Devi Wife of Subash Kumar, D/o Bhagwan Prasad resident of Village- Harpur, Dakshin Tola, Police Station - Baniyapur, Distt.- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr. Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 19-08-2019 Petitioner seeks bail in anticipation of his arrest in connection with Baniyapur P.S. Case No. 209 of 2018 registered for the offences punishable under Sections 341, 323, 498A, 504/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is that he subjected the informant-wife to cruelty with respect to demand of a car and ousted her from the matrimonial house.

In this case on appearance of opposite party No.2 the matter was referred to the District Mediation and Conciliation Centre, Saran by order dated 10.5.2019 and from the report of Mediator it appears that mediation failed.



Submission of learned counsel for the petitioner is that he is still ready to keep opposite party No.2 with him with dignity and care and he is ready to file an undertaking to that effect.

Heard learned APP and learned counsel for opposite party No.2, who has opposed the prayer for anticipatory bail on the ground that petitioner is not ready to keep her and if she is allowed to live with dignity and care, she has no objection.

In view of above facts and circumstances, let petitioner surrender on 30.8.2019 in the court below and on that day opposite party No.2 shall also remain present in court. On filing of an affidavit by the petitioner that he is ready to take her from the court itself to his house and keep her with dignity and care, he shall be released on provisional bail for a period of six months by the court below itself and during that period the court below will watch their conduct and marital relationship between them by calling them in third weeks of every month and once the court is satisfied with their conduct and marital relationship between them, specially the conduct of the petitioner, the court below shall confirm the bail bonds of the petitioner, otherwise the court is free to pass any other order(s) as it may deem fit and proper, including cancellation of bail bonds of the petitioner.



With the above observation, this application is
disposed of.

(Vinod Kumar Sinha, J)

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