

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80545 of 2018

Arising Out of PS. Case No.-323 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Santosh Kumar, son of Basisth Prasad, Resident of village-Madhubani, P.S-
Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

1. State Of Bihar
2. Soni Srivastava, wife of Santosh Kumar, D/o Sachidanand Prasad Resident
of Village- Madhubani, P.S.- Sangrampur, District- East Champaran at
Present resident of vilalge- Lakshmipur Kaudihar, P.S.-Raxaul District- East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii
For the Opposite Party/s : Mr.Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-04-2019 Heard the parties.

The petitioner is apprehending his arrest in
connection with Trial No.2617 of 2018 arising out of Complaint
Case No.C-323 of 2017 registered under Sections 498A, 406 of
the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to
be the husband of the complainant, of torturing her with respect
to demand of Rs. 5 lakhs and also drag her into her matrimonial
house.

Submission of learned counsel for the petitioner is
that allegation is false, concocted and from which the complaint



petition itself shows that she has other complaint against the petitioner but in spite of that he is ready to keep her as wife with full dignity and honour.

Heard learned counsel for the Opposite party no.2 and learned APP also who has also submitted that opposite party no.2 is still ready to reside with the petitioner.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the Court below within a period of six weeks, from the date of order and on that day opposite party no.2 will also appear and on filing a petition by the petitioner that he is ready to keep her with dignity and care and will take her to his house and on that he be released on provisional bail for six months upon furnishing bail bond of Rs.25,000/-(Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Trial No.2617 of 2018 arising out of Complaint Case No.C-323 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

Both the parties will appear before the learned Court



below in the first week of each month and once being satisfied with the conduct of both the parties, the bail bond of the petitioner shall be confirmed.

Considering the allegation raised against the petitioner about physical capability, it is expected that now since opposite party No.2 desires to live with the petitioner, it is expected that she will not raise such an allegation in future against the petitioner.

With the above direction, this bail petition stands disposed of.

(Vinod Kumar Sinha, J)

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