

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25715 of 2019

Arising Out of PS. Case No.-652 Year-2016 Thana- COMPLAINT CASE District- Banka

KUNDAN KUMAR HARIJAN @ KUNDAN HARIJAN Son of Ganesh Harijan, Resident of Village-Modi Nagar, P.O-Mirzanhat, P.S.-Babarganj, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Nandani Wife of Kundan Harijan, Resident of Village-Modi Nagar, P.O-Mirzahat, P.S-Babarganj, District-Bhagalpur, At Present C/o Triveni Prasad Das, Village-Karhariya Ward No.8 P.S and District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 652 of 2016 instituted for the offences punishable under Sections 498A, 379 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is that he demanded dowry and for that he subjected the complainant to torture.

On appearance of opposite party No.2 the matter was referred to the District Mediation Centre, Banka for amicable settlement between the parties and



the report of Mediator at Flag 'X' shows that petitioner was ready to keep his wife with dignity and care after mediation but opposite party No.2 was not ready to reside with the petitioner, as such the mediation failed.

Submission of learned counsel for the petitioner is that he is still ready to keep her and the whole allegation is false and concocted. On the other hand, learned counsel for opposite party No.2 has submitted that due to cruelty meted out to her she is not interested to reside with the petitioner and she is not being paid any maintenance amount from the petitioner.

Heard learned APP also.

In view of above facts and circumstances, this application is disposed of with a direction to petitioner to surrender within a period of two weeks from the receipt of this order and on surrender 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 S.D.J.M., Banka, in connection with Complaint Case No. 652 of



2016, 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 any maintenance case is filed by opposite party No.2 and on personal service of notice to him he has to appear to co-operate in disposal of the maintenance case.

(Vinod Kumar Sinha, J)

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