

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27752 of 2019

Arising Out of PS. Case No.-7 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. ASHOK KUMAR Son of Late Yogendra Prasad Resident of Village - Meena Bazar, P.S.- Sursand, Dist.- Sitamarhi.
 2. Rakesh Kumar Son of Late Yogendra Prasad Resident of Village - Meena Bazar, P.S.- Sursand, Dist.- Sitamarhi.
 3. Kamla Devi @ Kamali Devi Wife of Late Yogendra Prasad Resident of Village - Meena Bazar, P.S.- Sursand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manisha Rai Wife of Ashok Kumar , D/o Rameshwar Raut Resident of Village - Meena Bazar, P.S.- Sursand, Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Manisha Singh
Ms. Roona

For the Opposite Party/s : Mr.Raj Shekhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 14-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.7 of 2018 registered for offences punishable under Sections 498(A) of the Indian Penal Code.

There is allegation against the petitioners that for the demand of Rs.15 lac she was subjected to torture and cruelty and lastly she was ousted from the house.

Submission of the learned counsel for the petitioner is that as a matter of fact the marriage of the petitioner with the



complainant was love marriage as such allegation of demand of dowry is false and concocted. He has a daughter with the wedlock also and he is ready to keep her with dignity and care .

Heard learned A.P.P. and the learned counsel for the O.P.no.2 who has opposed the prayer for bail on the ground that she was subjected to cruelty and assault was so brutally that it is not possible for her to reside with the petitioner. It is further submitted that the maintenance case bearing No.71 of 2018 is also pending before the Family Court, Sitamarhi and the next date is fixed on 16.8.2019. On the other hand the learned counsel for the petitioner has also submitted that he has also filed a petition for restitution of the conjugal right before the learned Family Court that is still pending.

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner no.1 is concerned, this application is disposed of with direction to the petitioner to appear in the maintenance case as mentioned above on the next date fixed and further thereafter he will produce the documents showing appearance in the maintenance case before the court below on which the court below shall release him in connection with Complaint Case No.7 of 2018 with condition that he has to co-operate in disposal of the



maintenance case and at the same time, the Family Court, Sitamahri is directed to pass order in the maintenance case either interim or final after hearing both the parties and the petitioner has to abide by the order passed by the learned Family Court either interim or final unless the same is set aside by the higher court .

It is made clear that failure on the part of the petitioner to co-operate in the disposal of the maintenance case or not abide by the order passed by the learned Family Court, O.P.no.2 shall have liberty to move before the learned court below for cancellation of his bail bond.

So far petitioner nos. 2, 3 and 4 are concerned, they will surrender before the learned court below and on surrender they will be released on bail in connection with Complaint Case No.7of 2018.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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