

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33933 of 2019

Arising Out of PS. Case No.-147 Year-2017 Thana- MAHILA P.S. District- Nalanda

Chandra Shekhar Kumar, Son of Kapildeo Prasad, Resident of Village - Sinidih, P.S.- Madhuban Baghmara, Distt - Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Saloni Kumari, Wife of Chandra Shekhar Kumar, Resident of Village- Sinidih, P.S.- Madhuban Baghmara, District- Dhanbad at present residing at Village- Porai, P.S.- Harnaut, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Prabhat Kumar Dipak, Advocate
For the State	:	Mr.Nagendra Prasad, APP
For O.P. No.2	:	Mr. Gagandeo Yadav, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 25-11-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State. Learned counsel for O.P. No.2 is also present.

The petitioner is apprehending his arrest in connection with Nalanda Mahila P.S. Case No.147 of 2017 registered for the offence punishable under Sections 498A/323/341/504/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The matter was earlier referred to the Patna High Court Mediation Centre, but a report has come stating that the mediation has failed.

Learned counsel for the petitioner fairly submits that



the petitioner is no longer willing to keep his wife and has already filed a case for divorce. It is also submitted that the petitioner is giving Rs.3000/- (Three thousand) per month by way of maintenance to the O.P. No.2.

In view of the fact that the mediation has now failed, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Nalanda Mahila P.S. Case No.147 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the question of settlement of the case is concerned, it shall be open to the O.P. No.2 to approach the court below where the divorce case is still pending for appropriate alimony and compensation.

(Anjana Mishra, J)

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