

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38292 of 2019

Arising Out of PS. Case No.-1835 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Kaushal Kishore Pandey @ Kaushal Kishor Pandey, S/o Mahesh Pandey @
Mahesh Kumar Pandey, R/o village- Professor Colony, Belbanwa, Ward No.
22, P.S.- Motihari Town, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Kumari, W/o Kaushal Kishore Pandey, D/o Shri Ram Naresh
Choubey, R/o village- Aahirgaawa, P.O.- Barmasawa, P.S.- Harsidhi,
District- East Champaran (Motihari), PIN- 845417

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Roy, Advocate
Mr. Rabindra Nath Tiwari, Advocate
Mr. Rakesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-09-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No. 1835 of 2018, disclosing
offences under Section 498A of IPC and Section 3/4 of Dowry
Prohibition Act.

Allegation is of demand of Scorpio vehicle and for that
assaulting the complainant and ousted her from the house.

Submission of learned counsel for the petitioner is that
the whole allegation is false and concocted and he is still ready
to keep her with dignity and care, for that he has filed a petition



under Section 9 of the Hindu Marriage Act, but the opposite party no.2 is not ready to reside with the petitioner.

Heard learned APP as well as learned counsel for the opposite party no.2-wife, who has opposed the prayer for anticipatory bail on the ground that she has been brutally assaulted and ousted from the house and as such it is not possible for her to reside with the petitioner. It has further been submitted that she has also filed a maintenance case before the Family Court, East Champaran, Motihari, in which the petitioner has appeared and up till now, no any amount of her maintenance has been paid by him.

Having heard both sides, considering the marital dispute between the parties and also considering the stand of the parties, this application is allowed. The provisional bail granted to the petitioner, vide order dated 05.07.2019 is confirmed with the condition that petitioner shall appear on the date fixed before Family Court in maintenance case and the learned Family Court, Motihari will try to reconcile the dispute between the parties, in order to find out any amicable settlement between the parties and if not possible, he will pass an order for interim maintenance after hearing both the parties and petitioner shall abide by any order either interim or final passed by the learned



Family Court, Motihari, unless it is set aside or revised by a
higher Court.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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