

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41558 of 2019

Arising Out of PS. Case No.-278 Year-2017 Thana- KURSAKANTA District- Araria

Md. Usman @ Shah Usman @ Usman, Aged about 30 years, Male, Son of Shah Hasebul, Resident of Village - Kamaldaha, Ward No. 1, P.S. Kursakanta, Distt - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Riwana Khatoon, Aged about 30 years, Female, Wife of Md. Shah Usman, D/o Shah Wazuddin, Resident of Village - Kamaldaha, Ward No. 1, P.S. Kursakanta, Distt - Araria. At present resident of village – Kamaladaha, Ward No. 1, P.S.- Kursakanta, Distt - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-07-2019 Heard both sides.

Petitioner apprehends his arrest in Kursakanta P.S. Case No.278 of 2017, registered under Sections 498(A) and other sections of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The wife of the petitioner made allegation that due to non-fulfillment of additional demand of dowry, the petitioner with his family members assaulted the informant and drove her out from the house after snatching her belongings.

Learned counsel for the petitioner submits that the petitioner is ready to keep his wife with all honour and dignity. The allegation of torture is false and concocted. On account of petty



family dispute, the wife of he petitioner left the house and lodged the case.

Taking into consideration the facts and the fact that the petitioner is ready and willing to restore conjugal relation and keep his wife with all honour and dignity, the petitioner is directed to surrender in the court below within four weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Vth, Araria in connection with Kursakanta P.S. Case No.278 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C. Thereafter the learned court below shall make all efforts for resolution of the dispute between the husband and wife. If the petitioner keeps his wife with honour and dignity, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife without the fault of the wife, the learned court below shall pass order on the provisional bail of the petitioner in accordance with law immediately after lapse of three months.

(Prabhat Kumar Jha, J)

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