

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38392 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Nawal Kishore Kumar, Son of Asheshar Sah Resident of Village - Bhagouna,
P.O.- Musharwa, P.S.- Sathi, District- West Champaran at present Resident of
Road No. 2, R.M.S. Colony, Kankarbagh, P.O.- Lohianagar, P.S.-
Kankarbagh, District- Patna-20.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Lakshmi Kant Sharma, Adv.
For the informant	:	Mr. D.K. Sinha, Sr. Adv. Dr. Bipin Chandra, Adv. Mr. Alexander Ashok, Adv.
For the State	:	Mr. R.P. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 3 16-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 498(A), 323, 406, 354(B), 504, 506/34 of
the Indian Penal Code and Section 3/4 of Dowry Prohibition Act
registered in connection with Kuchaikot P.S. Case No.
100/2019.

3. It is submitted that the petitioner has been falsely
implicated and the present FIR has been lodged on 24.03.2019
in retaliation to the Matrimonial Case No. 310/2019 filed on
11.03.2019 in the court of Principal Judge, Family Court, Patna
(Annexure-2). It is further stated that the petitioner's younger
brother Om Prakash Kishore lodged an FIR on 25.03.2019 in
Gopalganj Sadar P.S. Case No.103/2019 (Annexure-3) alleges



assault by the informant's side at the time of the Bidai. It is further stated that informant had expressed her willingness for divorce in terms of her telephonic message dated 29.03.2019 (Annexure-4). The petitioner expresses that he is still ready to keep the informant as his wife with due dignity and honour, but the informant does not want to continue in the society of the petitioner. Petitioner claims clean antecedent.

4. Learned APP assisted by learned counsel for the informant appear and have been heard. Learned counsel for the informant invites reference to the fardbeyan in which the allegation has been made that the petitioner's brother entered at the room of the informant at midnight on 27.09.2017 with bad intention. It was further alleged that the accused persons have assaulted the informant's father. In such circumstances reconciliation has not been possible with the petitioner.

5. Pursuant to order dated 27.06.2019, the matter was taken up for mediation which has however failed and the dispute between the parties could not be resolved, as informed in the mediator's report dated 19.08.2019.

6. Be that as it may and considering that other co-accused, persons including the petitioner's brother against whom specific accusation has been made as aforesaid, has been granted anticipatory bail in Cr. Misc. No.36012/2019, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Gopalganj in connection with Kuchaikot P.S. Case No. 100/2019, subject to



the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J.)

Prakash Narayan /-

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