

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35988 of 2019

Arising Out of PS. Case No.-1320 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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CHANDAN KUMAR son of Yogendra Prasad Yadav Resident of Village-
Ahiyapur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi Daughter of Upendra Rai Resident of Village- Delho, P.S.-
Madhuban, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 06-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 498A of the Indian Penal Code and Section 3 and 4 of the D.P. Act registered in connection with Trial No. 1936 of 2018, arising out of Complaint Case No. C-1320 of 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event there is no injury report to corroborate the accusation of assault nor of demand for dowry. The parties were married in the year 2013, but in view of the complainant repeatedly demanding family partition which was not being acceded to by the petitioner she went away to live at her maika. The petitioner has filed Divorce Case No. 193/2016 on 03.05.2016 in the Court of learned Principal Judge, Family Court, Muzaffarpur in retaliation of which the present complaint has been filed thereafter on 11.07.2016. It is further submitted that the complainant has also filed Maintenance Case No. 183/2016. It is the first complaint of its nature since the parties were



married. The petitioner claims clean antecedents.

4. Learned counsel for the complainant appears and has been heard. The complainant expresses her readiness to live with the petitioner-husband and in any event she is ready for one time settlement. Efforts at mediation have failed.

5. Be that as it may, 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 4th ACJM, Motihari at East Champaran in connection with Trial No. 1936 of 2018, arising out of Complaint Case No. C-1320 of 2016, 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 co-operate 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. 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)

Chandran/-

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