

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39445 of 2019

Arising Out of PS. Case No.-776 Year-2018 Thana- COMPLAINT CASE District- Araria

KRISHNA KUMAR THAKUR S/o Mahesh Thakur R/o village- Jagata
Kharsahi, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nisha Kumari W/o Krishna Kumar Thakur, D/o Sri Ashok Thakur R/o
village- Bhorhar War No. 12, P.S.- Fulkaha, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 776C of 2018, disclosing

offences under Sections 498A of the Indian Penal Code and

Section 4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant
and allegation against the petitioner is of subjecting the
complainant to cruelty and torture with respect to non fulfilment
of demand of dowry of Rs. One Lakh.

Submission of learned counsel for the petitioner is
that the allegations are false and concocted and he is still ready
to keep her with full honour and dignity.

It appears that on appearance of opposite party no. 2,



the matter was referred to Patna High Court Mediation and Conciliation Center, Patna and the report of learned Mediator is available on record, from which, it appears that on five successive dates, opposite party no. 2 did not appear before the Mediator, as such, the mediation failed.

On the other hand, learned counsel for the opposite party no. 2 has submitted that petitioner after taking wine brutally assaults her, as such, she is not ready to reside with the petitioner.

Heard learned A.P.P. also.

In such view of the matter, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner to surrender in the court below by 04.12.2019, on which, date complainant – opposite party no. 2 shall also remain present and if opposite party no. 2 is ready to reside with the petitioner, petitioner has to keep her with full honour and dignity and, thereafter, the court below shall release the petitioner on provisional bail for six months on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of like amount each to his own satisfaction, Patna subject to the condition as laid down under Section 438(2) Cr.P.C and after six months both the parties have to appear in



the court below and only after verifying the matrimonial relationship of the parties, the court below shall confirm the provisional bail of the petitioner.

It is also made clear that on the aforesaid date i.e. on 04.12.2019, if complainant does not choose to appear or on appearance, she refuses to live with the petitioner, in that situation, the court below shall release the petitioner on bail with direction to him to appear in the maintenance case i.e. Maintenance Case No. 284-M/2019 filed by opposite party no. 2 before Principal Judge Family Court, Araria, and to cooperate in disposal of the said maintenance case and abide by any order either interim or final passed in the said maintenance case unless the same is modified or set aside by any higher court.

(Vinod Kumar Sinha, J)

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