

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73012 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- MAHILA P.S District- West Champaran

Praveen Yadav, S/o Shiv Govind Yadav, R/o Village- Utarwari Pokhara, P.S.-
Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 This matter has been brought under the heading ‘For
Orders (On Office Notes)’.

It appears that vide order dated 07.12.2018, the case diary of **Bettiah Mahila P.S. Case No. 10 of 2018** was called for by a co-ordinate Bench of this Court, but office note dated 02.01.2018 reflects that though the case diary in connection with the aforesaid matter, has been received, but paragraphs nos. 44 and 45 are not available in the case diary. However, on joint prayer of the parties, the matter is taken up on merit.

Heard learned counsels for the petitioner, informant



and the State.

The petitioner, being the husband of the informant, is languishing in custody since 04.08.2018 in a case registered for the offences punishable under Sections 498A, 341, 323, 379, 504, 506 and 34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Nutan Devi, submitted to the S.H.O., Mahila P.S., Bettiah, is to the effect that marriage between the informant and the petitioner was performed on 05.03.2017. Subsequently, they were blessed with a female child. Thereafter, further dowry demand of Rs. 5 lacs was made and due to non-fulfillment of the same, torture was inflicted upon the informant by the husband and other co-accused persons. It is further alleged that the petitioner was an alcoholic and he used to cause burn injuries by hot iron rod, to the informant. Subsequently, on 15.05.2018, after snatching all the belongings, the informant was driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. The accusation of torture and assault does not corroborate by



any medical opinion and due to the fact that the informant deserted the petitioner, the petitioner preferred Matrimonial Suit No.310 of 2018 before the Principal Judge, Family Court, Bettiah, West Champaran with a prayer for divorce, prior to institution of the present case.

Learned counsel for the informant submits that the petitioner used to brutally assault the informant and she was being driven out from her matrimonial house. It is further submitted that the informant is still ready to resume her conjugal life with the petitioner.

Learned APP after going through the case diary submits that the accusation of torture is against the petitioner but no medical report has been brought on record.

Considering the present stand of the parties, the accusation is not being corroborated by medical report, the matrimonial suit was filed at an earlier point of time and period of custody, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **S.D.J.M., Bettiah, West Champaran** in connection with **Bettiah Mahila P.S. Case No.10 of 2018.**

However, the present order will not preclude the



parties to get the issue reconciled.

Let the learned Court below in view of the present
stand of the parties may take effort to get the issue mediated.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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