

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44223 of 2019

Arising Out of PS. Case No.-300 Year-2016 Thana- FATEHPUR District- Gaya

SHAMBHU KUMAR @ SHAMHU KUMAR, aged about 25 years(Male)
S/o Nandkeshwar Yadav @ Nand Kishore Yadav Resident of Village-
Fulchatar, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kiran Sinha

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-07-2019 Heard both sides.

The petitioner apprehends his arrest in Fatehpur P.S.
Case No.300 of 2016 registered under Sections 498(A) and
other Sections of the Indian Penal Code.

The informant is the wife of the petitioner.

The informant alleged that she was married with the
petitioner in the year 2009 and went to her sasural. She lived in
her in-laws house only for eight days but thereafter the accused
persons started subjecting her to torture due to non-fulfillment
of demand of dowry. The informant came to her parent's house
but again went to her sasural but the accused persons again
tortured her and she returned to her parent's house.

The learned counsel for the petitioner submits that the
informant is alleging that she was being tortured only after ten



days of marriage but the informant lodged the case on 10.11.2016 only after more than seven years of her marriage. It is submitted that in fact, the informant does not want to live with the petitioner. The petitioner filed Matrimonial Suit No.245 of 2016 for restitution of conjugal rights. Notice was issued and the informant after having received the notice in a suit for restitution of conjugal rights, the informant filed the present case.

Taking into consideration the fact that wife lodged the case only after having received the notice of matrimonial suit for restitution of conjugal rights filed by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Xth, Gaya in connection with Fatehpur P.S. Case No.300 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)

