

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44803 of 2019

Arising Out of PS. Case No.-2250 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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KANHAIYA KUMAR SHRIVASTAV @ MANOHAR PRASAD
SRIVASTAVA@KANHAIYA KUMAR SRIVASTAVA Son of Om Prakash
Srivastava, Resident of Village - Baishakhwa, Tola Patherawa, P.O.-
Baishakhwa, P.S.- Gopalpur, Dist.- West Champaran, Pin - 845438

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanju Srivastava, W/o Kanhaiya Kumar Srivastava, D/o Anjani Kumar
Resident of Village - Mohalla Sarvoday Nagar, p.S.- Hawaiadda, Tola
Bariyarpur, P.O.- Motihari, Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-10-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Motihari Complaint Case No. 2250 of 2018 in

which cognizance has been taken under Section 498A of the

Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Complaint petition disclosed that complainant was
married with the petitioner and thereafter she was tortured with
respect to demand of motorcycle and gold chain and she was
ousted from the house for non-fulfilment of the same.

Submission of learned counsel for the petitioner is
that the whole allegation is false and concocted and he is still
ready to keep her with dignity and care and he has also filed a



petition under Section 9 of Hindu Marriage Act and she is not ready to reside with the petitioner.

In this case, on appearance of opposite party No.2 the matter was referred to the District Mediation Centre and from perusal of report of District Mediation Centre it appears that mediation failed as petitioner was ready to keep her but the complainant was not ready to reside with the petitioner in spite of best efforts taken by the mediator and the family members of the petitioner.

Heard learned APP and learned counsel for opposite party No.2, who has submitted that due to cruelty meted out to her she is not ready to reside with the petitioner and she is ready for one time settlement and petitioner is not ready for that and as she has no source of income, she has filed Matrimonial Case No. 144 of 2019 in the Family Court, East Champaran, Motihari and in spite of notice petitioner has not appeared in that case.

In view of above facts and circumstances, on condition that petitioner shall appear before the Principal Judge, Family Court, Motihari by 22.10.2019 and produce certificate to that effect before the court below, the court below shall confirm the provisional bail granted to the petitioner by order dated 22.7.2019 on the condition that both the parties shall co-operate



in disposal of the maintenance case and appear as and when required. At the same time, learned Principal Judge, Family Court, Motihari is directed that after hearing the both the parties he shall pass an appropriate order on the petition filed by opposite party No.2 for maintenance, either interim or final, within four months.

Accordingly, this application is allowed.

Let a copy of this order be sent to learned Principal Judge, Family Court, East Champaran, Motihari for needful and for compliance of this order.

(Vinod Kumar Sinha, J)

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