

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74415 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- MAHILA P.S. District- Saran

Prakash Kumar Sharma, Son of Arun Kumar Purohit, Resident of Mohalla-Nai Bazar, Police Station- Bhagwan Bazar, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State Of Bihar
2. Khushabu Devi @ Khushabu Joshi, w/o Prakash Kumar Sharma, d/o Lapta Prasad Joshi, r/o Rani Bazar, P.S. Gonda, Dist. Gonda (UP)

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 15-07-2019 Petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 38 of 2018 registered for the offences punishable under Sections 341, 323, 498A, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

On appearance of opposite party No.2 the matter was referred to the Patna High Court Mediation and Conciliation Centre vide order dated 18.12.2018 and mediation failed which appears from the Mediator's report at Flag 'A'. Thereafter as there was submission of learned counsel for the petitioner that was ready to keep the complainant with him with dignity and care, petitioner was directed vide order dated 26.6.2019 to bring back the complainant from her Maikhe but he has filed a



supplementary affidavit stating that he had gone there but her father had not allowed her to go with the petitioner and he had purchased railway ticket and he had lodged a Sanha to the police station for that.

Submission of learned counsel for the opposite party No.2 is that petitioner had not gone to bring back her.

Heard learned APP also.

In view of above facts and circumstances, let petitioner appear before the court below on 24.7.2019 and on that day opposite party No.2 shall also remain present there and on filing of an affidavit by the petitioner that he is ready to keep the complainant-wife with him with dignity and care and not subjecting her to cruelty or harassment, the petitioner shall be released on provisional bail by the court below itself for a period of six months and during that period the court below shall watch their conduct by calling them in second week of every two months and once the court below is satisfied with their conduct, the bail bonds of the petitioner shall be confirmed, otherwise the court below is free to pass any other order(s) as it may deem fit and proper, including cancellation of bail bonds of the petitioner. It is also made clear that if opposite party No.2 does not appear in the court below on the date fixed,



the court below shall release the petitioner on bail to its own satisfaction.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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