

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46544 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

SUBODH SHARMA Son of Late Chhotelal Sharma Resident of Village -
Aliganj, P.S.- Mojaheedpur (Babarganj), Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bindu Devi Wife of Sri Subodh Sharma Resident of Village - Aliganj, P.S.-
Mojaheedpur (Babarganj), Distt - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Adv.
Mr.Dhirendra Nath Jha, Adv.
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-11-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S.
Case No.49 of 2018 registered under Sections 498A, 494, 323,
341, 504, 506 and 34 of the Indian Penal Code and under
sections ¾ of the D.P. Act.

The matter was referred to the Mediation Centre but
the dispute between the husband and the wife could not be
resolved. Admittedly the petitioner was married with the
informant about 22 years ago and the spouse got children from
their wedlock.

Learned counsel for the petitioner submits that the
petitioner is the husband and he is ready to keep his wife with
all honour and dignity, but the wife is not willing to live with
her husband.



Learned counsel for the informant submits that the wife is also willing to live with her husband and children.

Having considered the facts that both the husband and the wife are willing to live together with their children, the above named petitioner is directed to surrender in the court below within four weeks from the date of receipt/production of a copy of this order and the court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Mahila P.S. Case No.49 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and the court below shall make efforts for reconciliation between the husband and the wife. If the dispute is resolved and the petitioner keeps his wife and his children properly, the provisional bail granted to the petitioner shall be confirmed and if the petitioner fails to keep his wife and children, the court below shall pass order in accordance with law on the provisional bail of petitioner immediately after lapse of four months.

(Prabhat Kumar Jha, J)

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