

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56367 of 2019

Arising Out of PS. Case No.-1453 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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AVINASH KUMAR S/o Late Narendra Kumar R/o Village- Pokhraise, P.S.-
Saraiya, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Anita Kumari W/o Avinash Kumar, D/o Rajendra Paswan R/o village-
Hardiya Bad, P.S.- Pipra, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Trial No.2366 of 2018 arising out of Complaint Case No.C 1453 of 2018 registered for offences punishable under Sections 406, 498(A), 307, 354 of the Indian Penal Code and Section 3/4 of the D.P.Act.

As per FIR there is allegation of demand of car and for that ousted the complainant, who happens to be wife of the petitioner.

Submission of the learned counsel for the petitioner is that the allegation is false and concocted and as a matter of fact he is still ready to keep her with dignity and care.



Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed the prayer for bail but after some argument, he has submitted that she is ready to reside with the petitioner, if she is not subjected to cruelty.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender on 28.11.2019 and on that day O.P.no.2 shall also remain present in the court below and on appearance of both the parties and on filing of the affidavit by the petitioner that he will take her from the court below itself and will keep her with dignity and care, the petitioner shall be released on provisional bail in connection with Trial No.2366 of 2018 arising out of Complaint Case No.C 1453 of 2018, for a period of nine months and during that period, both the parties have to appear before the learned court below in the third week of each month so that the learned court below may watch the conduct and matrimonial relationship between the parties and once being satisfied with the conduct of both the parties and their matrimonial relationship especially the conduct of the petitioner, the bail bond of the petitioner shall be confirmed otherwise the learned court below is free to pass any other order or orders as he deems fit and proper including cancelling the bail bond of the petitioner. It is needless to say



that if O.P.no.2 does not appear on the date fixed, or she is not ready to reside with the petitioner, the petitioner shall be released on bail by the learned court below.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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