

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.768 of 2019

Arising Out of PS. Case No.-1115 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Ganga Sagar Chauarasiya @ Ganga Sagar son of Sri Anirudh Bhagar,
Resident of Village - D.K. Shikarpur, Barai Tola, P.S.- Shikarpur, District-
West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. SAROJ DEVI wife of Sri Ganga Sagar Chauraisiya, daughter of Sugriv Bhagat, Resident of Village - Mehura, P.S.- Bagaha, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 08-08-2019 Petitioner apprehends his arrest in connection with

S.C. No. 1258 of 2017 arising out of Complaint Case No. 1115-

C of 2017, disclosing offences under Section 498A of the

Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
cruelty in connection with demand of dowry and the accused
persons also tried to kill her and ultimately driven her out from
the house.

Submission of learned counsel for the petitioner is
that all the allegations are false and concocted and he is still



ready to keep the informant with full honour and dignity, which will appear from the fact that petitioner has filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and it is the complainant, who is not ready to live with the petitioner.

It appears that earlier notice was issued to complainant but the same could not be served upon her. Thereafter, the notice was directed to be served to complainant through learned Court below and it appears that the same has also been issued but in spite of that, none has appear on behalf of the petitioner.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, let petitioner surrender in the concerned court below on 19.08.2019 and on surrender the court below shall release the petitioner on provisional bail for a period of two months and in the meantime, learned court below will issue notice to complainant – opposite party no. 2 and if she appears and on enquiry, if it is found that she is ready to live with the petitioner, the petitioner is directed to keep her with full honour and dignity, otherwise, the court below may pass any other order or orders as he deems fit and proper including



confirming of provisional bail of the petitioner. It is also made clear that if on notice, the complainant does not choose to appear, in that case also, the provisional bail granted to the petitioner shall be confirmed.

With the above observation, this application is disposed of .

(Vinod Kumar Sinha, J)

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