

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59899 of 2019

Arising Out of PS. Case No.-364 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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GUDDU KUMAR Son of Rabindra Pandit Resident of Brahmasthan Gali,
Ramjichak, P.S.- Digha, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deepshikha Wife of Guddu Kumar D/o Basudev, R/o Mohalla- Agrawal
Toli, Alamganj Chowki, P.S.- Alamganj, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-11-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 364 of 2018, registered for

the offences punishable under Sections 498 (A), 323, 344,

348/34 of the Indian Penal Code and Section 3/ 4 of the Dowry

Prohibition Act.

As per F.I.R there is allegation against the petitioner

for demand of rupees ten lacs and subjecting her to torture and

ousting her from the house.

Submission of the learned counsel for the petitioner

is that allegation is false and concocted as petitioner is a

salesman and there is allegation of demand of rupees ten lacs.

He is still ready to keep her with dignity and care and this fact



has stated before the learned lower Court and before this court also.

On the other hand learned A.P.P and counsel appearing on behalf of the O.P. No. 2 submitted that one the one side petitioner has taken a plea that he is ready to keep her with dignity and care and the other hand petitioner has filed divorce case bearing divorce case No.1401 of 2018 before the Principal Judge, Family Court Patna and the same is pending.

Learned counsel for the petitioner has submitted that he undertakes to withdraw the same if the complainant is ready to reside with him.

Having heard both sides, considering the fact that it is a marital dispute and the petitioner is ready to keep her with dignity and care, in such view of the matter, this application is disposed of with a direction to the petitioner to surrender before the learned Court below by 03.12.2019, on surrender, his provisional bail granted vide order dated 25.09.2019 shall be extended for further period of six months to the satisfaction of the learned court below. On that date O.P. No. 2 shall also remain present in the Court and if O.P. No. 2 shows her desires to reside with the petitioner by filing affidavit and petitioner also files affidavit that he is still ready to keep her with dignity



and care and withdraw the divorce case filed by him and bring the complainant from Court itself only that condition provisional bail granted to the petitioner shall be extended for further six months. During that period, the learned Court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the third week of each month before the learned Court below. Once the Court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the Court below either confirm the provisional bail of the petitioner or pass any other orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

It is made clear that the above order shall be effective only when the O.P. No. 2 is ready to reside with the petitioner and petitioner is ready to withdraw the above divorce petition.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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