

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60089 of 2019

Arising Out of PS. Case No.-547 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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BIRENDRA KUMHAR Son of Shivshankar Kumhar @ Shankar Kumhar
Resident of Village - Ekwani, P.S.- Kochas (Parsathua), Dist.- Rohtas (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sunita Devi D/o Hira Kumhar Resident of Village - Akoda, P.S.- Dinara,
Dist.- Rohtas (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh No.10

For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-10-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.547 of 2017 registered under Sections 323, 341, 498(A)/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The complainant made allegation of demand of dowry and torture against the petitioner.

The learned counsel for the petitioner submits that the petitioner is ready to keep his wife. The wife of the petitioner lodged the case only because she wanted that the petitioner should live with her in her parent's house but the petitioner is ready to keep his wife, on such, learned counsel for the complainant submits that the complainant is also ready to live with her husband along with her child.

Taking into consideration the fact that husband and wife are willing to restore their conjugal relation after sinking



their differences, let the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt of this order and on such, learned court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bikramganj, Rohtas in connection with Complaint Case No.547 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Thereafter, the learned court below shall make efforts for resolution of the disputes between husband and wife. If the petitioner keeps his wife along with her child with all honour and dignity, learned court below shall confirm the provisional bail granted to the petitioner and if the petitioner fails to keep his wife along with her child with all honour and dignity, learned court below shall pass order on provisional bail of the petitioner in accordance with law immediately after lapse of four months.

(Prabhat Kumar Jha, J)

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