

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75922 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- CHANPATIA District- West Champaran

Raju Kumar Sah, Son of Surendra Sah, Resident of Village- Lauriya Mishra
Tola, Ward No.7, Police Station- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surbhi Kumari, Wife of Raju Kumar Sah, Resident of Village- Lauriya Mishra Tola, Ward No.7, Police Station- Lauriya, District- West Champaran, Presently Residing as D/o Binod Kumar, Resident of Village- Chanpatiya, Ward No.7, Police Station- Chanpatiya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2019 This is an application for grant of anticipatory bail in connection with Chanpatiya P. S. Case No. 205 of 2019, disclosing offences under Sections 498A, 307, 34 of IPC and Section 3/4 of Dowry Prohibition Act.

As per F.I.R. petitioner happens to be the husband of the informant and he is an Assistant Loco Pilot in Gujrat. There is allegation of demand and torture the informant, for that, she has earlier filed a complaint case and after compromise, she has taken up by him at Ahemdabad, Gujrat and after sometime, petitioner again assaulted her and she suffered injury, thereafter, she has came from Gujrat and lodged the present case.

Submission of the learned counsel for the petitioner is



that all the allegations are false and concocted. He is still ready to keep her with dignity and care, for that, he has filed a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights and informant has also filed a case for grant of maintenance, in that case, petitioner has also appeared and he is ready to pay the maintenance or also ready for any amicable settlement between the parties.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for anticipatory bail on the ground that after compromise, she was subjected to cruelty and as such, she is not ready to reside with him. She is ready for one time settlement or any other appropriate order.

Having heard both sides, in view of the facts and circumstances, as stated above, it appears that for the bitterness between the parties and there is no chance of their residing together, in such view of the matter, this application is disposed of with a direction to the petitioner to surrender before the learned court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned C.J.M., Bettiah, West Champaran, in



connection with Chanpatiya P. S. Case No. 205 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he has to co-operate in disposal of maintenance case filed by opposite party no.2 and appear as and when required before the Family Court and he has to abide by any order passed by the Family Court either interim or final unless the same is modified or set aside by any higher Court.

At the same time, the learned Family Court, Bettiah, West Champaran is directed to call upon both the parties for an amicable settlement between them and in case of failure of amicable settlement between the parties, he will passed an appropriate order in maintenance case after hearing both the parties, at least for interim order.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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