

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83234 of 2019

Arising Out of PS. Case No.-5585 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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MADHU LAL Son of Ram Sakal Prasad Resident of Village/Mohalla -
Vishnupuri, P.S.- Gardanibagh, Distt - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sri Shiv Shankar Prasad Son of Late Deo Charan Prasad Resident of Village
- Badi Badalpura, P.S.- Khagaul, Distt - Patna.
3. Natasha Kumari Wife of Madhu Lal, D/o Sri Shiv Shankar Prasad Resident
of Village - Badi Badalpura, P.S.- Khagaul, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-12-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with

Complaint Case No.5585©/2018 , registered for offences

punishable under Section 498(A) of the Indian Penal Code.

As per the complaint case, petitioner happens to be

husband of the complainant and there is allegation against him

of demand of Rs.05 lac cash and a Maruti Car and for that

subjected her to cruelty as well as ousted her from the house

and there is also allegation that he has illicit relationship with

his *Bhabhi*.



Submission of the learned counsel for the petitioner is that all the allegations are false and concocted and before lodging of the present case, he had filed an application under Section 9 of the Hindu Marriage Act for keeping her with dignity and care and before the court of the learned Sessions Judge also he has taken that stand but she is not ready to reside with the petitioner.

On the other hand the learned counsel for the complainant has appeared *suo motu* and submitted that she was subjected to cruelty and that will appear from the fact that after filing an application under Section 9 of the Hindu Marriage Act, a case had been lodged against the O.P.no.2 making all the family members as accused in that case and that shows cruelty. She is not ready to reside with the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna



in connection with Complaint Case No.5585 © of 2018 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition to co-operate in the disposal of the complaint case.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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