

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15293 of 2020

Arising Out of PS. Case No.-512 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

=====

Brajesh Upadhyay @ Brajesh Kumar Upadhyay @ Brajesh Kumar @ Mantu Upadhyay, 40 years, Male, S/o Baidnath Upadhyay, R/o village- Nawada, P.S.- Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi, aged about 38 years, Female, W/o Brajesh Upadhyay @ Mantu Upadhyay, D/o Krishna Mishra, R/o village- Nawada, Areraj, P.S.- Govindganj, District- East Champaran, at present New Chandmari Ward No. 25, Near Guru Darshan Vivah Bhawan, P.S.- Motihari (Town), District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mrs. Kanchan Kumari, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 29-09-2020 Heard Mrs. Kanchan Kumari, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Motihari Town P.S. Case No.512 of 2019, registered under Sections 498(A), 323, 379, 354(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the wife of the petitioner has made allegation of demand of dowry and torture. She has also lodged an FIR being Govindganj P.S. Case No.160 of 2019 with same and similar allegation. The petitioner is ready to keep his wife with all honour and dignity.



Taking into consideration the fact that the petitioner is ready to keep his wife with all honour and dignity, the petitioner, above named, is directed to surrender in the court below within six weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for six months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Motihari Town P.S. Case No.512 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

Thereafter the learned court below shall make all efforts for resolution of the dispute between husband and wife. If the dispute is amicably resolved, the provisional bail granted to the petitioner shall be confirmed. If the petitioner is not willing and he does not keep his wife properly, the learned court below shall pass order in accordance with law on the provisional bail of the petitioner immediately after lapse of six months.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

