

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30467 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- MAHILA P.S. District- Bhojpur

AMITABH KUMAR Son of Late Ramchandra Paswan Resident of Village - Bahiro, P.S.- Arrah Nawada, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Daughter of Raj Ballam Ram Resident of Village - Bibiganj, P.S.- Udwant Nagar, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Mahila P.S. Case No.23 of 2020 registered under Sections 313, 323, 494, 498A and 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

The wife of the petitioner made allegation of demand of dowry and torture against the petitioner and other in-laws. The informant alleged that the petitioner used to assault her and on account of such assault, there was a miscarriage. The informant further alleged that her husband(the petitioner) solemnised second marriage with one Anjali Devi, daughter of Bihari Ram of village Khalasi P.S. Buxar, Dist. Buxar.



The learned counsel for the petitioner submits that petitioner never solemnised any second marriage. The petitioner is ready to keep his wife. The petitioner has already filed Matrimonial Case No.20 of 2017 for restitution of conjugal right. Petitioner is still ready to keep his wife with all undertaking to keep her properly.

Taking into consideration the fact that petitioner is willing to keep his wife with all honour and dignity, the petitioner, above named, is directed to surrender before the court below within a period of four weeks and on such, 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 Sub Divisional Judicial Magistrate, Bhojpur, Arrah in connection with Mahila P.S. Case No.23 of 2020, 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 the husband and the wife. If the dispute is amicably resolved, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife with all honour and dignity and it is found that



petitioner has already solemnised second marriage, 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)

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