

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30366 of 2020

Arising Out of PS. Case No.-245 Year-2019 Thana- BATHNAHA District- Sitamarhi

Sikindra Das @ Sikandar Das @ Sikindar Das, Son of Jagdish Das Resident of Village - Bathana Chaudhary Tola, P.S. - Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The Sate of Bihar
2. Radha Devi Wife of Sikendra Das Resident of Village - Bathana Chaudhary Tola, P.S. - Bathnaha, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Mishra
For the Opposite Party/s	:	Ms. Asha Devi, APP
For the Informant	:	Mr. Ashok Kumar Garg, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2020 Heard Mr. Ranjeet Kumar Mishra, learned counsel for the petitioner, Mr. Ashok Kumar Garg for the informant and Ms. Asha Devi for the State.

The petitioner, who is the husband of the informant, seeks bail in anticipation of his arrest in connection with Bathnaha P.S. Case No. 245 of 2019 dated 03.12.2019 instituted for the offences under Sections 498-A/504/506 and 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

At the outset, learned counsel for the petitioner has submitted that he is ready to restore the matrimonial life with the informant who is his legally



wedded wife.

However, learned counsel appearing for the wife has submitted that the petitioner is in the habit of assaulting her and because of such assault on one occasion, the informant suffered from miscarriage.

Be that as it may, the learned counsel for the informant has also expressed the intentions of the wife to join the matrimonial fold provided she is kept with dignity and honour to which she is entitled.

Considering the aforesaid facts, this Court directs that the petitioner on his surrender before the court below within a period of ten weeks shall be released on provisional bail for two months on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 245 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

After two months, the court below shall affirm whether the wife has been kept in the matrimonial fold with full dignity and honour and if the answer is in the affirmative, the court below shall confirm the bail of the petitioner. If there is any allegation of assault on the wife in the period when the petitioner would remain on



provisional bail, his provisional bail shall not be confirmed.

The petition stands disposed of with the aforesaid direction/observation.

(Ashutosh Kumar, J)

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