

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69358 of 2019**

Arising Out of PS. Case No.-160 Year-2019 Thana- GOVINDGANJ District- East
Champaran

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Brajesh Upadhyay @ Mantu Upadhyay @ Brajesh Kumar Upadhyay, aged about 35 years, Male, S/o Baidhnath Upadhyay, R/o village- Nawada, Areraj, 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

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Appearance :

For the Petitioner/s : Mrs. Kanchan Kumari, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

8 29-09-2020 Heard Mrs. Kanchan Kumari, learned counsel for the petitioner and Mrs. Renu Kumari, learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Govindganj P.S. Case No.160 of 2019, registered under Sections 341, 323, 327, 498, 504, 379, 34 and 494 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is the husband of the informant. The petitioner is ready to keep his wife with all honour and dignity. The petitioner has made statement in this respect in para 12 of the bail petition.

Taking into consideration the fact that the petitioner is



ready to keep his wife with all honour and dignity and willing to restore his conjugal relation with his wife, 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 Govindganj P.S. Case No.160 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)

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