

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77742 of 2019

Arising Out of PS. Case No.-125 Year-2018 Thana- MAHILA P.S. District- Nalanda

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KUNDAN KUMAR, Son of Indradeo Paswan, Resident of Village - Sardar Bigha, P.S-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kusum Devi, D/o Kailash Paswan, Wife of Kundan Kumar, Resident of Village-Dumrawan, P.S-Deepnagar, District-Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Adv.
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the informant	:	Mr. Raj Kishore Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-02-2020 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 498A/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of the informant, Kushum Devi is to the effect that the informant was married with the petitioner on 27.06.2015, and thereafter, a male child born out of the wedlock. But subsequently, further dowry demand of Rupees One Lac cash and a motorcycle was made



and due to non-fulfillment of the same, the torture was inflicted upon the informant and ultimately, she was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and it is the informant who herself deserted the petitioner. However, the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph No.13 of the petition which reads as under :-

“That the petitioner is always ready to keep his wife and son but it is the informant who does not want to live with the petitioner and the illicit relation of the petitioner with any other lady is totally false.”

Learned counsel for the informant submits that the informant is apprehensive due to past misconduct of the petitioner. However, she is ready to accept the offer of the petitioner of keeping her with dignity and honour.

Both sides are ready to appear before the learned Court below on 03.03.2020 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties and



keeping in view of the fact that the present order will at least save the informant from destitution and vagrancy and with a lurking hope that the issue between the parties may reconcile in future, let the above named petitioner be released on provisional anticipatory bail for four months, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Biharsharif, Nalanda, in connection with Mahila P.S. Case No.125 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored; or (ii) if the informant fails to appear before the learned Court below; or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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