

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84715 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- MAHILA PS District- Buxar

SARVESH TIWARI Son of Shashi Bhushan Tiwari Resident of Village -
Narhan, P.S.- Ramgarh, Distt - Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Choubey, D/o Shashi Kant Choubey, Village-Dihari, P.S. Rajpur,
Dist.-Buxar, Present Address-Mohalla-Neharu Nagar, Ward No.20, P.S.-
Buxar(T), District-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rang Nath Choubey, Adv.
For the State	:	Mrs.Pronoti Singh, APP
For the Informant	:	Mr. Kamal Deo Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-07-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Buxar (Mahila)
P.S. Case No.52 of 2019 registered under Sections 498A, 504,
506 and 34 of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

The informant alleged that her marriage was
solemnised with the petitioner on 14.05.2019 but from the date
of marriage, the petitioner started demanding money and other
articles. Her husband and other in-laws started subjecting her
physical and mental torture. She further alleged that on
26.07.2019, her husband also assaulted her and made an attempt
to kill her.



The learned counsel for the petitioner submits that petitioner is innocent and he never demanded any dowry nor tortured his wife. The marriage was solemnised on 14.05.2019 but his wife left the house of the petitioner without any rhyme or reason and she does not want to live with the petitioner. When the efforts of the petitioner to persuade her to accompany failed, the petitioner filed petition for restitution of conjugal rights being Matrimonial Case No.210 of 2019 on 07.08.2019. Thereafter, the informant lodged this case making allegation. It is further submitted that petitioner is still ready to keep his wife.

Learned counsel for the State and Mr. Kamal Deo Sharma, learned counsel for the informant submit that petitioner has got illicit relation and the petitioner always tortured the informant, therefore, the informant does not want to live with the petitioner.

Taking into consideration the fact that petitioner is still ready to keep his wife and within three months of marriage, the petitioner filed petition for restitution of conjugal rights but the wife is not willing to restore her conjugal relation on the ground that petitioner has got extramarital relation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the



date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No.52 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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