

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85124 of 2019

Arising Out of PS. Case No.-3109 Year-2015 Thana- COMPLAINT CASE District- Araria

RAJ KUMAR THAKUR S/o Late Sadanand Thakur Resident of Village-
Dubba, Tola Siktiya, P.S.- Kursakant, Distt- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Khushbu Devi W/o Raj Kumar Thakur, D/o Upendra Thakur Resident of
Village- Saifganj, P.S.- Forbesganj, Distt- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-08-2020 Heard both sides through Video Conferencing.

Nobody appears on behalf of O.P. No.2 although
notice was issued to the O.P. No.2 on 23.01.2020. The O.P. No.2
received notice even then the O.P. No.2 did not appear.

The petitioner apprehends his arrest in Complaint
Case No.3109-C of 2015 registered under Sections 323, 379,
498A of the Indian Penal Code.

The learned counsel for the petitioner submits that
petitioner is ready to keep his wife. The petitioner had gone to
bring his wife but on one pretext or other, his wife did not
accompany the petitioner and lodged the case making false and
frivolous allegation of demand of dowry and torture.



Taking into consideration the facts that petitioner is ready to keep his wife with all honour and dignity, let the petitioner, above named, is directed to surrender in the court below within a period of six weeks from the date of receipt of this order 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 S.D.J.M., Araria in connection with Complaint Case No.3109-C of 2015, 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 petitioner keeps his wife with all honour and dignity and the dispute is resolved, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife properly without the fault of his wife, learned court below shall dispose of the provisional bail petition of the petitioner immediately after lapse of six months in accordance with law.

(Prabhat Kumar Jha, J)

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