

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85075 of 2019

Arising Out of PS. Case No.-897 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Ashok Kumar Malakar @ Ashok Kumar, aged about 30 years, Male, Son of Arjun Bhagat @ Arjun Bhagat Malakar, Resident of Village Dighwara, Opposite Hemlata Petrol Pump, P.S. Dighwara, District Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rekha Devi, aged about 26 years, Female, Wife of Ashok Kumar Malakar, D/o Kishori Lal Malakar, Resident of Mohalla Kaimasikoh, P.O. Jhauganj, P.S. Chauk and District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-06-2020 Heard Mr. Dharendra Kumar, the learned counsel for the petitioner, Mr. Mritunjay Kumar Nirala, the learned Additional P.P. and Mr. Deepak Kumar Singh, the learned counsel appearing on behalf of the complainant through video conferencing.

The petitioner apprehends his arrest in Complaint Case No.897 of 2016 for the offences allegedly committed by the petitioner under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

The petitioner is the husband of the complainant. At the outset of the argument, learned counsel for the petitioner



submits that the petitioner is ready to keep his wife with all honour and dignity. The petitioner has got two children from the wedlock.

Mr. Deepak Kumar Singh, the learned counsel appearing on behalf of the complainant submits that the complainant is also willing to restore her conjugal relation with the petitioner provided her husband keeps her properly and with all honour and dignity.

Taking into consideration the facts that the husband and the wife are willing to restore their conjugal relation after sinking their differences, the petitioner is directed to surrender in the court below within four weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for four 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., Patna City in connection with Complaint Case No.897 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Thereafter the learned court below shall make efforts for resolution of the dispute between the husband and the wife. If the dispute between the husband and the wife is resolved



amicably, the learned court below shall confirm the provisional bail granted to the petitioner. If the dispute between the husband and the wife is not amicably resolved without the fault of the complainant, the learned court below shall pass order on the provisional bail of the petitioner immediately after expiry of four months.

(Prabhat Kumar Jha, J)

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