

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32906 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- BALTHAR District- West Champaran

RAMJEE MAHTO S/o Prabhu Mahto @ Prabhu Mahato Resident of Village-
Bhauri, P.S.- Balthar, Distt- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabita Devi W/o Ramjee Mahto R/o Village- Bhauri, P.S.- Balthar, Distt-
West Champaran, At present R/o Village, P.S., and Distt- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2021 Heard both sides.

The petitioner apprehends his arrest in Balthar PS case No. 26/ 2020 for the offences allegedly committed by the petitioner under Section 341, 323,498A, 504, 506 of the IPC and u/s 3/4 of Dowry Prohibition Act.

The informant is the wife of the petitioner. The informant alleged that after marriage her husband and other in-laws continuously subjected her to physical and mental torture. She left her matrimonial house on account of such torture but again her husband persuaded her to accompany him but again after some days he subjected her to all sorts of torture.

The learned counsel for the petitioner submits that



wife of the petitioner used to desert the petitioner and for this the petitioner filed Divorce Case No. 08/2020 on 08.01.2020 and thereafter when the informant came to know this fact she lodged the present case on 08.04.2020. It is further submitted that petitioner is still ready either to keep his wife or settle the dispute once for all if the wife of the petitioner is not willing to live with him.

Taking into consideration the facts that petitioner is ready to keep his wife if the wife is willing to live with him and the petitioner is also ready for one time settlement if the wife is not willing to live with the petitioner, the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order and on such the learned court below shall enlarge the petitioner on provisional anticipatory bail for six months on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, West Champaran, Bettiah in connection with Balthar PS case No. 26/ 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The learned court below shall make all efforts for resolving the dispute amicably



between the husband and wife and if the dispute is resolved amicably, the provisional bail granted to the petitioner shall be confirmed. If the dispute is not resolved amicably, the learned court below shall pass order on the provisional bail of the petitioner, in accordance with law, immediately after lapse of six months.

(Prabhat Kumar Jha, J)

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