

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5519 of 2020

Arising Out of PS. Case No.-564 Year-2018 Thana- MAJHAULIA District- West Champaran

RAJESH SAH @ RAJESH KUMAR S/o Sri Suruj Sah R/o village- Ranbari,
P.S.- Majhaulia, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi W/o Sri Rajesh Sah @ Rajesh Kumar, D/o Sri Nathuni Sah R/o village- Ranbari, P.S.- Majhaulia, District- West Champaran, At Present, R/o village- Senwariya, Dudhgadia Tola, P.S.- Majhaulia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 22-08-2022 Heard the learned counsel for the petitioner and

learned counsel for the informant.

The petitioner apprehends his arrest for the offences alleged under Sections 498A, 341 and 323/34 of the Indian Penal Code including Section 3/4 of the Dowry Prohibition Act, registered in connection with Majhaulia P.S.Case No. 564 of 2018.

As per allegation, the petitioner who is husband of the informant, tortured her for non-fulfilment of dowry demand of a motor-cycle and some money. There is also allegation that the accused persons attempted to administer poisonous



substance to the informant.

The learned counsel for the petitioner has submitted that the petitioner filed a divorce case against the informant in the year 2015 which was numbered as Divorce Case No. 265 of 2015. The informant appeared in that case in the year 2016 and filed her written statement and being aggrieved by filing of that divorce case, the present case has been filed by the informant in the year of 2018.

On the other hand, learned counsel for the informant has submitted that the petitioner, being the husband of the informant, badly assaulted and ousted her from the matrimonial home. To pacify the matter a *panchayati* was convened, but the petitioner remained adamant on his stand.

Much before filing of the present case, the petitioner had filed a suit for divorce and after three years of filing of the divorce case, the present FIR has been lodged. To explore the possibility of amicable settlement of the dispute between the parties, the matter was refereed to the Mediation Centre(s), but it did not become successful.

Considering these facts that the present case has been lodged after three years of filing of the divorce case, let the petitioner above-named, in the event of his arrest or surrender



within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S.Case No. 564 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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