

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16836 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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SHYAM PRASAD BOSAK Son of Late Hem Lal Bosak R/O - Tanti Basti,
Ward No. 06, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Khusboo Devi Wife of Shyam Prasad Bosak R/O- Tanti Basti, Ward No. 06,
P.S.- Kishanganj, District- Kishanganj. Presently Residing at - D/O - Naresh
Chandra Bosak, Tanti Basti, Ward No. 06, Nearby Durga Mandir, P.S.-
Kishanganj, District- Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

5 04-07-2022 Heard the learned counsel for the petitioner and

learned counsel for the complainant.

The petitioner apprehends his arrest for the
offences alleged under Sections 498(A), 323 and 307 of the
Indian Penal Code and Section 4 of the Prevention of Dowry
Act, registered in connection with Complaint Case No. 265 of
2019.

The complainant Khusboo Devi is the wife of the
petitioner. She lodged the complaint petition, stating therein that
she is legally-wedded wife of the petitioner having one daughter
out of the wedlock. The complainant lived in her matrimonial



house in peaceful atmosphere only for two years, but thereafter the petitioner and his family members put pressure upon her to bring rupees five lac from her parents. When she expressed her inability to pay the amount, she was tortured at the hands of the petitioner and his family members. There is also allegation of attempt to kill her by electrocution.

The learned counsel for the petitioner has submitted that the entire allegation is false. The complainant is a Government teacher and she does not want to reside in joint family. She was putting pressure upon the petitioner to live separately from his family members, which is not possible for him. The allegation of electrocution is false. He has further submitted that it was observed by the learned court below that the complainant was not willing to reside with the petitioner.

To explore the possibility of amicable solution of the dispute, the matter was referred to the District Mediation Centre, Kishanganj. The report of the learned Mediator is annexed with the record. The report shows that the complainant was not ready to reside with her husband and she apprised the Mediator that the petitioner is residing in one small room given by his brother which is inadequate for accommodation of the complainant and her daughter. The petitioner, as per the report



of the Mediator, was ready to keep his wife and daughter with full dignity and honour.

Considering the above facts and circumstances, 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 SDJM, Kishanganj in connection with Complainant Case No. 265 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

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