

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28999 of 2014

Arising Out of PS.Case No. -817 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Raj Kishore Singh @ Raj Kishore @ Munna, son of Late Raghuvir Singh,
resident of Village-Tejpurva, P.S.-Madhaura, District-Siwan, presently
resident of Mohalla-Sajbahal, P.S.-Bargaon, Distt.-Sundargarh (Orissa).
.... Petitioner

Versus

1. The State of Bihar
2. Muni Devi, w/o Raj Kishore Singh, D/o Harihar Sharma, Vill-Tejpurva
Dhahpar, Post-Rejpurva, P.S.-Marhaura, Distt-Chapra (Saran), present
Vill+Post=Gahjnghara, P.S.-Shahpur, District-Patna.
.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party No.1: Mrs. Rita Verma, APP
For the Opposite Party No.2: Mr. G.S.Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-01-2015 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor as well as learned counsel for the

complainant-opposite party no.2.

Learned counsel for the petitioner submits that the
petitioner is the husband. Prior to filing of the case, the petitioner
filed Divorce Case No.187 of 209 for dissolution of marriage,
which is pending in the Court of Principal Judge, Family Court,
Chapra. There is no chance of reconciliation between the
husband and the wife. Petitioner remained in jail for six months.

On the other hand, learned counsel for the
complainant submitted that the complainant is ready to live with

her husband, but her husband is not willing. The complainant wants settlement of the dispute, therefore, the petitioner does not deserve bail.

It appears that the Complaint Case 817 C of 2013 was filed in the year 2013, but much prior to the filing of the present complaint petition, Divorce Case No.187 of 2009 was filed on behalf of the husband, the petitioner, for dissolution of marriage. Petitioner remained in jail for six months and thereafter he was granted provisional bail vide order dated 14.11.2014.

It appears that the dispute between the husband and the wife cannot be settled amicably and the petitioner, being the husband, has remained in jail for more than six months, therefore, the provisional bail granted to the petitioner is hereby confirmed.

(Prabhat Kumar Jha, J)

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