

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41916 of 2014

Arising Out of PS.Case No. -258 Year- 2012 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Raj Kumar Gupta Son of Pannalal Gupta R/o Usha Niwas Agamkuan,
Choti Pahadi Road, P.O. Gulzarbagh, P.S. Agamkuan, district Patna-7

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha

For the Opposite Party/s : Mrs. Sharda Kumari(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 21-01-2015 Heard counsel for the petitioner, the informant as well as
the State.

The husband of the informant has approached this Court seeking bail in a case instituted under section 498-A of the IPC. As per the prosecution case, the informant was married to the petitioner on 04.06.2009 whereafter she went to Raipur where her husband was staying and doing business. For one reason or the others, they could not put up together. The matrimonial skirmishes between them forced her to leave the matrimonial home. In such circumstances, she filed the case/FIR.

Counsel for the petitioner has submitted that prior to lodging of the case the matter was taken up by the help line as would appear from the proceeding of the help line contained in

Annexure-4. She was directed to appear on the subsequent date but she defaulted in doing so and lodged the case. The petitioner had earlier filed an application under section 9 of the Hindu Marriage Act for restitution of conjugal right which, in view of proceeding taken up by the help line wherein both the parties appeared, was withdrawn on 19.03.2012. Four days thereafter the FIR has been lodged.

A stand has been taken by the counsel for the petitioner that the petitioner is still ready and willing to accept the informant as his legally wedded wife and keep her with all dignity. He is ready to undergo mediation to be conducted between him and his wife at the instance of the Court. In fact an application in this regard shall be filed before the court below. It has also been submitted that on conclusion of investigation charge sheet has already been submitted in this case. The petitioner is in custody since 11.08.2014.

The counsel for the informant has also taken a stand that the wife would be willing to live with the petitioner if full protection and care is ensured. In case the petitioner approaches for mediation she would appear in the said proceeding in order to resolve the dispute between them.

Taking into consideration the aforesaid facts, this Court

directs that the petitioner abovenamed shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of SDJM, Rohtas in connection with Sasaram P.S. Case No.258 of 2012 (G.R. Case No.697 of 2012) on condition that one of the bailors shall be his own/close family member. In case the trial is taken up and charges are framed the petitioner will appear in person on each date. In case of default in doing so on two consecutive dates, the trial court shall cancel the bail bonds of the petitioner.

(Kishore Kumar Mandal, J)

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