

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9375 of 2015

Arising Out of PS.Case No. -148 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Rakesh Kumar Singh, son of Yogendra Prasad Singh
 2. Yogendra Prasad Singh, son of late Kharakhdhari Singh
- Petitioner/s

Versus

1. The State of Bihar
 2. Preeti Kumari, wife of Rakesh Kumar Singh
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 12-03-2015 Heard learned counsel for the petitioners, learned
counsel for the opposite party no. 2 (complainant) as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. 148 of 2014 in which cognizance has been
taken for the offences punishable under Sections 498 A of the
Indian Penal Code and 34 of Dowry Prohibition Act.

Petitioner no. 1 happens to be husband whereas
petitioner no. 2 happens to be father in law of the complainant.

From perusal of the impugned order, I find that
complainant is not ready to lead her conjugal life with the
petitioner no. 1 and she has already filed a case for dissolution of
marriage. So far as petitioner no. 1 is concerned, he has filed a

case under Section 9 of Hindu Marriage Act for restitution of his conjugal rights and he is ready to keep the complainant with him. Furthermore, it appears from perusal of the impugned order that there is only dispute between the parties regarding the return of articles which were given at the time of solemnization of marriage.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bhagalpur in Complaint Case No. 148 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C. and furthermore, the parties may raise their dispute regarding return of articles before the appropriate forum and if they do so, the concerned forum shall decide the aforesaid dispute.

(Hemant Kumar Srivastava, J)

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