

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49128 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -MAHILA P.S. District- PATNA

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1. Arvind Kumar, Son of Sudarshan Prasad, Resident of Mohalla- Mithila Colony, Nasariganj, Police Station- Digha, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shweta Kumari, wife of Arvind Kumar, D/O Ramadhar Singh Dinkar, resident of Azad Nagar, Road No.2, Kankarbagh, Patna-20 P.S. Kankarbagh, Town and District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Nand Jha

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 30-03-2016 Heard learned counsel for the petitioner and learned counsel for the State as well as opposite party no.2.

The petitioner seeks bail in a case instituted for the offences under Sections 307, 498(A), 406 and 379/34 of the Indian Penal Code.

Admittedly opposite party no.2 is the wife of the petitioner. She lodged a case before Mahila police station making an allegation that she has entered into marriage as per Hindu Marriage Act. Allegation has been made that after the marriage father-in-law started demanding Scooty and Car from the father of opposite party no.2. Allegation has been made by the wife against the husband that the petitioner was only interested in sexual satisfaction. It has been stated that



she became pregnant, her mother-in-law cunningly mixed the medicine in her tea which led to pre-mature termination of pregnancy. Allegation has been made that father-in-law and mother-in-law have raised question about her character, they always engaged in character assassination. It has been alleged that on 4.6.2015 petitioner and other family members attacked her with a view to finish her life but she could manage to flee away. So much so her father-in-law used to hurl threatening for her life. The court below had granted provisional bail to the petitioner with condition that after his release he will make efforts to bring his wife to his place but matter could not be materialized that led to cancellation of bail.

Opposite party no.2 was given notice. She has appeared and stated that she does not want to live with the husband any more looking to the nature of conduct, allegation and counter allegation in the shape of character assassination.

This Court does not want to give details of allegation and counter allegation.

Today a counter affidavit has been filed thereby opposite party no.2 has brought a complaint as well as P.R bound which was given by the petitioner and his father where allegation has been made that while opposite party no.2 along with family members were going to attend the reception

ceremony of younger sister, the petitioner and other family members stopped her and her family members abused and assaulted them whereupon a complaint was filed to the police station. The petitioner and his father have been released on the basis of PR bound. Petitioner has already remained sufficiently in jail in connection with the dispute. There is no likelihood to resolve the matter in future as admittedly both are not ready to live together.

In such view of the matter, there is no need to send the husband behind the bar. It will be nothing but also generate the enmity intensely between them.

In this view of the matter, provisional bail granted by this Court on 3.11.2015 in connection with Mahila P.S. Case No.16 of 2015, pending in the court of S.D.J.M., Patna is hereby confirmed with a condition that he should not interfere and intervene with the life of opposite party no.2 in any manner.

The parties, if so advised, will be at liberty to approach before the Family Court to resolve the dispute.

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(Shivaji Pandey, J)