

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28302 of 2017

Arising Out of PS.Case No. -1051 Year- 2008 Thana -GAYA COMPLAINT CASE District- GAYA
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Naresh Manjhi, son of Shri Yamuna Manjhi, resident of Village-
Raghunathpur, P.S.- Atri, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rewanti Devi, wife of Naresh Manjhi, resident of Village- Raghunathpur,
P.S.- Atri, District- Gaya, presently residing at Village- Kowari Bigha, P.S.-
Belaganj, District- Gaya.

.... Opposite Parties
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Appearance :

For the Petitioner : Mr. Shivendra Prasad, ADvocate
For the State : Mr. Murlidhar, A.P.P.
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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 06-07-2017 I have heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in a case
registered for offences punishable under Sections 498 (A) and 34
of the Indian Penal Code.

It is contended on behalf of the petitioner that marriage
was solemnized in the year 1994 and it is alleged that petitioner
and his family members started demanding Rs.10,000/- after three
years and also started torturing her. It is further contended that the
family members are also intending to perform second marriage of
the petitioner. In the year 2007, the informant was driven out
from the matrimonial house and in the year 2008, they refused to



take back the informant in their house.

However, at the time of hearing, learned counsel for the petitioner submits that petitioner has not performed second marriage and he is ready to lead happy and harmonious conjugal life with his wife extending her full dignity and honour. It appears from the rejection order passed by the Sessions Judge that wife has also expressed her desire to live with her husband but the husband was not ready to keep her.

Having regard to the facts and circumstances of the case, this Court would grant provisional anticipatory bail to the abovenamed petitioner till 11th September, 2017 in the event of arrest/surrender before the court below within a period of six weeks from today in Complaint Case No. 1051/2008, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

In the meantime, the petitioner would be at liberty to appear before the District and Sessions Judge concerned by filing an affidavit that he is ready to lead a harmonious conjugal life with her wife and if the wife becomes ready to go with him then



they will be allowed to go with each other and the provisional bail of the petitioner would be made absolute by the District and Sessions Judge.

However, it is made clear that the husband appears to keep the wife and the wife would not be ready to go with him then in such case the court concerned would be required to take a decision on merit once again.

The District and Sessions Judge for the purpose of negotiation in between the wife and the husband would also be at liberty to extend the period of provisional bail.

(Dr. Ravi Ranjan, J)

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