

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37566 of 2018

Arising Out of PS. Case No.-86 Year-2017 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

=====

Mritunjay Kumar, Son of Ramjanam Singh, Resident of Village- Ekari, P.S.-
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Sanju @ Divya, Wife of Mritunjay Kumar, Daughter of Alakh Narayan Singh, Presently residing at Village- Dhamaul, P.O.- Ibrahimpur, P.S.- Kurtha, District- Arwal.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsels for the parties.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A and 323 of the IPC.

The case of the complainant is that she got married with the petitioner on 19.5.2015 but after fifteen days of marriage, the complainant came to know that the petitioner is alcoholic. It is further alleged that further dowry demand was made and due to non-fulfillment of the same the complainant was assaulted and ultimately, on 21.12.2015 she was driven out of the matrimonial house. On 7.3.2017 the accused persons came to



the parental house of the complainant and abused and assaulted her.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 75 of 2016 for restitution of conjugal rights wherein the complainant submitted her written statement on 25.11.2016 with a prayer for dismissal of the suit and thereafter, the present complaint has been filed in 2017. It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 15 of the petition which reads as follows:

“That the petitioner is still ready to keep the complainant with full honour and dignity with all possible comforts.”

It is submitted by learned APP that the accusation is specific against the petitioner.

Considering the fact that there has been a consistent case of the petitioner that he is ready to keep the complainant as wife with full dignity and honour but it was the complainant who prayed for dismissal of the restitution suit, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned SDJM, Arwal in connection with Complaint Case No. 86 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

However, the grant of bail to the petitioner will not preclude the complainant to resume the conjugal life. If the complainant files a petition to that effect before the learned court below, the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

