

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9305 of 2018

Arising Out of PS.Case No. -1753 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shambhu Shankar, S/o Ram Dinesh Thakur, Resident of Village- Ijot,
PS- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt Sadhna Kumari, W/o Shambhu Shankar, D/o Late Ram Ekbal
Tiwari, at present residing at House of Smt Pushpa Sinha, Adarsh
Nagar, Road No.2, Phulwari Sharif, PS- Phulwari, Patna, PIN- 801505,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal, APP
Mr. P. N. Shahi, Sr. Advocate with
Mr. Deepak Kumar, Advocate
Ms. Meeta Mohini, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-03-2018

Counsel for the petitioner seeks permission to make
necessary correction in the 1st page of the bail application. Prayer
is allowed. He is permitted to make necessary correction in
course of the day.

Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.1753-C of 2017 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

Counsel for the Opposite Party No.2 has appeared



suo motu.

It is alleged in the Complaint Petition that the Complainant was married with this petitioner on 04.07.2010. She was tortured in Sasural by the petitioner and other. The petitioner even did not bear the medical expenses. The Complainant was restrained from going to her maternal home at Madhubani. The husband refused to give maintenance to the Complainant and her son, who is at present aged about 7 years. The Complainant has filed Maintenance Case No.137 of 2017 in the Family Court, Patna, but no maintenance amount is being given by this petitioner.

Counsel for the petitioner has submitted that the petitioner being the husband is always ready to keep the Complainant and her son. He has filed case for restitution of conjugal rights vide Matrimonial Case No.204 of 2015 before the Family Court, Madhubani. The Complainant appeared in that case in the year 2016 and filed written statement, wherein, she has mentioned that she is not ready to live with the petitioner. Counsel for the petitioner has further submitted that the wife-Complainant has filed divorce case against him vide Matrimonial Case No.743 of 2017 before the Family Court, Patna.

Counsel for the Complainant-Opposite Party No.2



has submitted that the wife cannot live with husband-petitioner because she has been tortured physically and mentally. He has further submitted that the husband is not appearing in maintenance case and he has been debarred from filing written statement.

This Court after looking into the statement made in para 10 and 11 of the bail petition finds that there is no chance of reconciliation between the parties. The wife has already filed divorce case vide Matrimonial Case No.743 of 2017 for decree of divorce. Husband has filed case for restitution of conjugal rights vide Matrimonial Case No.204 of 2015, wherein, she has filed written statement that she is not ready not to live with the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Complaint Case No.1753-C of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should



be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Complainant-Opposite Party No.2 is given liberty to press her application for grant of maintenance before the Court below, which shall be disposed off expeditiously in accordance with law.

(Sanjay Priya, J)

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