

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20082 of 2018

Arising Out of PS.Case No. -36 Year- 2017 Thana -BHELDI District- SARAN

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Rakesh Kumar @ Rakesh Kumar Mahto @ Rakesh Kr. Mahto @ Rakesh Mahto S/o Panchalal Mahto, R/o Village- Madarpur P.S.- Bheldi, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi W/o Rakesh Kumar Mahto, R/o Village- Madarpur, P.S.- Bheldi, District- Saran at present D/o Chandrika Mahto R/o Village- Kamalpur P.S.- Garkha , district- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 18-05-2018

Though the matter has been listed under the heading for 'Office Notes' awaiting the service report of notices issued to opposite party no. 2, but Mr. Sanjay Kumar appeared on behalf of opposite party no. 2, hence, with the consent of the parties the matter is taken up for disposal of the case on merits.

Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no. 2 and learned counsel for the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 354, 313 and 379/34 of



the Indian Penal Code. However, a statement has been made in paragraph no. 7 of the petition that the cognizance has been taken for the offence punishable under Section 498A of the Indian Penal Code also.

The prosecution case got initiated with the filing of Complaint Case No. 2606 of 2016 which ultimately got registered as police case, on complaint being transferred under Section 156(3) of the Cr.P.C.

The prosecution case is that the informant was married with the petitioner in 2014 but subsequently she was tortured for non-fulfillment of further demand of dowry and due to the assault by the accused persons victim's pregnancy of four months got terminated and ultimately the informant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant-opposite party no. 2 having a made child and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 5 of the petition, which reads as follows:-

“That the petitioner is husband of the informant. He is ready to keep his wife with all love and affection. But she is not willing to live with him.”



It is further submitted by learned counsel for the petitioner that, similar was the stand of the petitioner before the learned Court below also but the informant declined to accept the offer of the petitioner.

Considering the stand of the petitioner vide order dated 10.04.2018 this Court issued notice to the informant-opposite party no. 2.

Both the petitioner and opposite party no. 2 are present in the Court.

Mr. Sanjay Kumar, learned counsel for the informant-opposite party no. 2 submits that the informant is ready to accept the offer of the petitioner for resuming conjugal life but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned Court below on 28th of May, 2018 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



ACJM XII, Saran at Chapra in connection with Bheldi P.S. Case No. 36 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; (iii) or if the informant fails to appear before the learned Court below.

(Dinesh Kumar Singh, J)

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