

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16745 of 2018

Arising out of PS.Case No. -677 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Pradeep Kumar @ Pradeep Kumar Verma, son of Rajendra Prasad,
Resident of Village- Deep Nagar, P.S.-Deep Nagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudia Kumari @ Kanchan Kuamri, Daughter of Lakhan Prasad,
Resident of Village- Kako, P.S. Kako, District Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv. with
Mr. Ramendra Kumar Bharati, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-06-2018 Heard Mr. Baxi S.R.P. Sinha, learned senior counsel

appearing for the petitioner along with Mr. Ramendra Kumar
Bharati, the Advocate on record and Mr. Md. Fahimuddin,
learned Additional Public Prosecutor for the State.

This is third attempt by the petitioner in seeking
anticipatory bail in a case arising from Complaint Case No.677
of 2012 pending before the Chief Judicial Magistrate, Jehanabad
and the reasons so assigned by Mr. Sinha, learned senior counsel
appearing for the petitioner, is relying upon a decree passed by
the Principal Judge, Family Court, Patna in Matrimonial Case
No.552 of 2012 whereby the marriage between the parties has
been dissolved vide decree dated 20.11.2017.

I have heard learned counsel for the parties and I have



perused the records.

The two earlier attempts by this petitioner have been disposed of giving liberty to the petitioner to take recourse in the light of opinion expressed by the Supreme Court in the case of **Arnesh Kumar vs. State of Bihar** reported in **2014(3) PLJR (SC) 314**.

Perusal of the complaint would confirm that as per admission of the complainant, the marriage took place on 4.7.2006 and within a week thereafter the complainant returned to her parental home and never went back to her matrimonial home as until 2009.

Mr. Sinha, learned senior counsel appearing for the petitioner accepting the pendency of the criminal case submits that the divorce case filed by the petitioner has been decreed and the marriage dissolved by a decree of divorce passed on 20.11.2017 in Matrimonial Case No.552 of 2012 and which is a change of circumstance prompting the petitioner to file the present application.

In any other circumstance this Court would not have been persuaded to grant indulgence considering the earlier order(s) of this Court but taking note of the change in circumstance as well that the earlier attempts of the petitioner have not exactly been rejected rather the applications were



disposed of with the direction present therein, the change in circumstance does persuade this Court to accept the prayer of this petitioner and consequently let the petitioner, namely, Pradeep Kumar @ Pradeep Kumar Verma in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jahanabad in connection with Complaint Case No.677 of 2012 subject to the conditions as laid down under section 438(2) of the Code of Criminal procedure.

This application is allowed.

(Jyoti Saran, J)

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