

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33813 of 2017

Arising Out of PS.Case No. -243 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Pramod Kumar Singh, son of Gayanchand Singh, resident of village- Katariya,
P.S.- Agiyawn, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjana Devi, wife of Pramod Kumar Singh, daughter of Sri Bhagwan Singh,
resident of village- Gamharia, P.O. & P.S.- Karbar (Godhari), District- Rohtas
at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
: Mr. Manish Prakash, Advocate
For the State : Mr. Umanath Mishra, APP
For the Opposite Party No.2 : Mr. Madanjeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 10-07-2018

Heard learned counsel for the petitioner and learned counsel
for the opposite party no.2.

2. This application under Section under Section 482 of the
Code of Criminal Procedure has been filed by the petitioner for setting
aside the order dated 03.05.2017 passed by the learned 1st Additional
Sessions Judge, Rohtas, Sasaram in Regular Bail Petition No.98 of
2017 arising out of Complaint Case No.243 of 2014 whereby he has
refused to confirm the bail of the petitioner on the ground that he has
not taken his wife to her matrimonial home.

3. Learned counsel for the petitioner submitted that despite



best efforts made by the petitioner, the complainant opposite party no.2 did not agree to live together with the petitioner and it is brother of the complainant who is mainly responsible for the differences between the husband and wife. The petitioner is in active service of the Air Force.

4. On the other hand, learned counsel for the complainant submitted that provisional bail was granted to the petitioner by the learned Additional Sessions Judge on the ground that the petitioner would take his wife to her matrimonial home and keep her there with full dignity and honour. However, he failed to do so and, thus, no illegality can be found with the impugned order. It has been submitted by the learned counsel for the opposite party no.2 that it is not correct to say that the opposite party no.2 is not willing to live together with the petitioner rather it is the petitioner who has deserted her and for one reason or the other he is not willing to keep the complainant in her matrimonial home.

5. I have heard learned counsel for the parties.

6. Apparently, there is matrimonial discord and incompatibility between the parties. There may be several reasons for the parties not to live together. In my opinion, it would not be proper for a court to compel the husband facing prosecution under Section 498A of the Indian Penal Code to take his wife to his matrimonial



home as mandatory condition for grant of bail.

7. In that view of the matter, the application is allowed. The impugned order dated 03.05.2017 passed by the learned 1st Additional Sessions Judge, Rohtas, Sasaram in Regular Bail Petition No.98 of 2017 is set aside. The petitioner shall be allowed to continue on the bail bond furnished by him earlier pursuant to the provisional bail granted by the court below.

(Ashwani Kumar Singh, J)

Md.S./-

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