

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12628 of 2018

Arising Out of PS. Case No.-116 Year-2015 Thana- RIVILGANJ District- Saran

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Krishna Nand Pandey S/o Rambhu Nath Pandey, R/o Village- Sikandarpur
Kashva, P.S.- Sikandarpur, Distt.- Balia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi D/o Randhey Ram Pandey, W/o Krishna Nand Pandey, R/o
Village- Sitab Diyara, Chhotka Baiju Tola, Lala Tola, P.S.- Rivilganj, District-
Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate
		Mr. Ajay Nandan Sahay, Advocate
For the Opposite Party/s :		Mr. Sri Pradeep Narain Kumar, APP
For the Informant-O.P.No.2:		Mr. Rakesh Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-12-2018 Heard learned counsel for the petitioner, learned
counsel for the informant-opposite party no. 2 and learned APP
for the State.

The petitioner, being the husband of the informant has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 498A, 313/511 and 307/34 of the Indian Penal Code.

The petitioner earlier preferred Cr. Misc. No. 22552 of 2017 with a prayer for anticipatory bail but this Court did not find this case for grant of anticipatory bail on two grounds; firstly, that in spite of the informant's inclination and desire to resume conjugal life, the petitioner declined to resume the



conjugal life with the informant and refused to keep her with full dignity and honour and secondly, that the learned Principal Judge, Family Court, Saran at Chapra, vide judgment dated 3rd of December, 2016, passed in Maintenance Case No. 265 of 2015, directed the petitioner to pay maintenance of Rs.3,000/- per month to the informant and Rs.3,000/- per month to the minor child, i.e.,Rs.6,000/- per month from the date of the order, i.e. 03.12.2016, but the same was not paid by the petitioner on the ground that the order is under challenge.

On the joint submission of the learned counsel Mr. Ravi Shankar Sahay, for the petitioner and Mr. Rakesh Tiwary, for the informant-opposite no. 2 that the petitioner and the informant are residing together, but the informant is apprehensive due to the past conduct of the petitioner and in the circumstances, the matter was adjourned.

The prosecution case as per the Complaint Case No. 401 of 2015 which was subsequently registered as police case after complaint being transferred under Section 156(3) of the Cr.P.C., is to the effect that the marriage between the petitioner and the informant was performed on 20.02.2011. Subsequently, they were blessed with a female child, but the accused persons made attempt to get the pregnancy of the informant terminated.



Subsequently, torture was inflicted on the informant and ultimately, in August, 2014, the accused persons drove out the informant from the matrimonial house, leading to filing of the complaint.

It is submitted by learned counsel for the petitioner that the issue has been resolved between the parties and so far as the payment of maintenance amount is concerned, that will be paid to the informant as directed vide judgment dated 3rd of December, 2016 passed by learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 265 of 2015.

Learned counsel for the informant submits that, though, at present, the informant is residing with the informant but she is still apprehensive. However, at present, the informant is not opposing the prayer for anticipatory bail of the petitioner and wants to get the issue finally resolved by resumption of the conjugal life.

Considering the present stand of the parties in order to save the informant and the minor child from destitution and vagrancy and to save the marriage, this Court is inclined to take a lenient view in the matter and grants anticipatory bail to the petitioner. Accordingly, let the above named petitioner be released on anticipatory bail in the event of 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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Rivilganj P.S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, if the petitioner fails to comply the undertaking of keeping the informant as wife with full dignity and honour then the informant-opposite party no. 2 will be at liberty to file application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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