

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15965 of 2018

Arising Out of PS.Case No. -35 Year- 2017 Thana -MAHILA P.S.

District- PATNA

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Kumari Anamika Singh, D/o Ramdeo Prasad Singh, W/o Sri Santosh Kumar Deepak, presently residing at Kala Kutir, Bajrang Colony, Jagdeo Path, Bailey Road , P.S.- Airport , Distt.- Patna-14.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Santosh Kumar Deepak, S/o Nand Kishore Gupta, R/o Mohalla- Arya Kumar Road, Machhuatoli, P.S.- Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Krishna Tiwary, Adv.

For the O.P. No. 2 : Mr. Arun Kumar, No.1, Adv.

For the State : Ms. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 05-11-2018 The opposite party No. 2, an Advocate practicing in Civil Court, Patna has been granted anticipatory bail by order dated 06.11.2017, passed in A.B.P. No. 3709 of 2017, in connection with Mahila P.S. Case No. 35 of 2017, which has been instituted under



Sections 498(A) and 494/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The petitioner, who is also now an Advocate practicing in the Civil Court, Patna had got into contact with opposite party No. 2 while she was contesting a case of matrimonial dispute with her erstwhile husband. She had entrusted her case to opposite party No. 2 as an Advocate. However, the relationship of a client and an Advocate turned into one of intimacy and, as the petitioner contends, she married the opposite party No. 2, thinking him to be a bachelor. Later, she learnt that the opposite party No. 2 was married from before and had children. Allegedly, when the opposite party No. 2 discerned that his matrimonial status has been made known to the petitioner, he started misbehaving with her and threw her out of the matrimonial home. Thereafter, there is a litany of complaints including assault of the petitioner at public places.

Today, when the matter was being argued by the learned Advocates appearing for the petitioner as well as opposite party No. 2, both of them were present in Court.

In all fitness of things and taking into account that both of them are professionals practicing in Civil



Court, Patna, this Court interacted with both of them.

The present bone of contention between the parties is only with respect to the sitting arrangement in the *Vakalatkhana* of the Patna Civil Court. Without getting into the details, it would be only relevant here to state that both, the petitioner and the opposite party No. 2 have undertaken that they shall, as far as possible, not cross roads with each other and shall allow and permit each other to practice law comfortably and without any trouble. They would make endeavors to have a separate sitting arrangement and if that is not possible, then one would not disturb the other.

This Court does not express any opinion on the merits of the case. However, if the aforesaid undertaking by the opposite party No. 2 is not respected, it would be open for the petitioner to approach the Court below for cancellation of bail of the opposite party No. 2. Likewise, it would be a handy defence for the opposite party No. 2, in case such a complaint is made before the Court below, that the petitioner actually has fomented the trouble and not him.

In any view of the matter, considering that both the parties are learned Advocates, practicing in Courts of law, this Court expects that they, till the disposal of the



case referred to above, shall act responsibly and behave like Advocates.

With the aforesaid observation and trust, the petition stands disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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