

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8281 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- MAHILA P.S. District- Siwan

PANKAJ KUMAR BHARTI @ PANKAJ BHARTI son of Dinanath Bharti
R/o village- Sakardih, P.S. Jalalpur, District Saran at Chapra

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sangita Bharti alias Soni

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-04-2019

Heard learned counsels for the parties.

The petitioner being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341,323,120B,377 and 302/34 of the IPC and Sections 3 and 4 of The Prevention of Witch (daain) Practices Act, 1999.

The prosecution case got initiated with the filing of the Complaint Case No. 179 of 2018 by Sangeeta Bharti alias Soni which came to be registered as Siwan (Mahila) P.S. Case No. 15 of 2018 after the complaint being transferred under Section 156(3) of the Cr.P.C. The prosecution case is that the informant was married with the petitioner on 18.4.2008, but subsequent to the marriage, torture was



inflicted. The petitioner used to do unnatural sex with the complainant and they got her six month's pregnancy terminated by administering some medicine. It is further alleged that ultimately, on 19.1.2018, the informant was driven out of the matrimonial house by the petitioner and other co-accused persons.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. Initially, the petitioner also filed Matrimonial Suit No. 166 of 2013 for dissolution of marriage which concluded into compromise by order passed by the learned ACJM, Durgapur and the informant also filed Misc. Case claiming maintenance under Section 125 of the Cr.P.C. which was also disposed of by virtue of compromise by an order passed by the learned ACJM, Asansol. However, the petitioner is ready to keep the informant with dignity and honour though statement to that effect has not been made in the petition. Moreover, the accusation of doing unnatural sex with the informant and termination of pregnancy of the informant are not corroborated by any medical evidence.

Learned counsel for the informant submits that inspite of being harassed and tortured, the informant entered



into compromise with the petitioner but after compromise, the petitioner again started inflicting torture upon the informant and consequently, the pregnancy of the informant got terminated. Though the informant is reluctant to reconcile the issue due to past conduct of the petitioner but she is ready to make an effort again to resolve the issue by resuming the conjugal life. Both sides agree to appear before the learned Court below on 29th July, 2019, when the petitioner will take the informant to her matrimonial house and keep her with full dignity and honour.

Considering the present stand of the parties, in order to save the informant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on provisional anticipatory bail for four months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan in connection with Siwan Mahila P.S. Case No. 15 of 2018 subject to the conditions laid down in 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) if the matrimonial harmony is substantially restored, or (ii)
if the informant fails to appear before the learned court below
or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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