

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15994 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- MAHILA P.S. District- Bhojpur

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GOPALJI PATHAK S/o Late Ramakant Pathak Resident of Village- Raiganj
Mandi Akabarabad, District- Gogipur (Shahri) Uttar Pradesh.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Guriya Pathak W/o Gopalji Pathak, D/o Sona Mishra Resident at Village- Raiganj Mandi Akabarpabad, District- Gogipur (Shahri), U.P. at present resident of Mishra tola Jail Road Ara, P.S.- Ara, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Nath Sinha
For the Opposite Party/s	:	Mr.Zainul Abedin
For O. P. No. 2	:	Mr. Shiva Shankar Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 20-08-2019 Pursuant to the order, dated 03.07.2019, the petitioner and the Opposite Party No. 2 are present in person along with their respective Counsel.

Both, the petitioner as well as the Opposite Party No. 2, are ready to live as husband and wife and the petitioner has undertaken to allow the Opposite Party No. 2 to live with him in her matrimonial home with care and dignity along with her two children.

The Opposite Party No. 2 has informed that the petitioner has filed a case for the custody of his children, aged about 10 years and 09 years respectively before the Ghaziabad Court. She apprehends that when the Opposite Party No. 2 will



start living with her husband at her matrimonial home, the petitioner will oust her and will forcibly keep the children with him. Upon this, the petitioner has undertaken that he will not pursue the case before the Ghaziabad Court for custody of the children and will withdraw the same within a period of one month from today.

The petitioner further assures that he will keep his wife and children with all love and care and will never torture Opposite Party No. 2, as alleged by her in the First Information Report.

The petitioner submits that he will visit his sasural tomorrow (21.08.2019) in order to fetch his wife-Opposite Party No. 2 from her parent's house.

In view of the undertaken given today by the petitioner and the fact that Opposite Party No. 2 is also willing to go and live with the petitioner along with her children at her matrimonial home, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Gopalji Pathak, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Ara, in connection with Ara Mahila Police Station Case No. 126 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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