

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70699 of 2018

In
CRIMINAL MISCELLANEOUS No.32179 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Vikash Kumar, Son of Triveni Prasad Singh, resident of Village- Parthu, P.S. Ekangarsarai, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. Snehlata Kumari, Wife of Vikash Kumar, Daughter of Satendra Singh, resident of Village- Parthu, P.S. Ekangarsarai, District- Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

This application has been filed for modification of order dated 23.05.2018 passed in Criminal Miscellaneous No. 32179 of 2018, whereunder, the petitioner Vikash Kumar was directed to be released on provisional anticipatory bail for six months in the event of his arrest or surrender in the Court below within four weeks from the said order on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Ekangarsarai P.S. Case No. 72 of 2018 to the satisfaction of the learned ACJM, Hilsa subject to condition as laid down u/s 438(2) of the Cr.P.C. with a further



condition that thereafter petitioner will take back his wife and will keep her with dignity and honour and the learned Court below will monitor the relationship during the period of six months and finding the matrimonial relation cordial only the provisional bail shall be confirmed, which may be reflected by filing compromise petition or even if the wife refuse to go back with the husband without any cogent reason.

Submission is that in the light of the order dated 23.05.2018 passed in Criminal Miscellaneous No. 32179 of 2018, the petitioner filed bail bond and released on bail provisionally for a period of six months and conciliation proceeding started in the Court below, but on third date of the conciliation proceeding, when petitioner came out from the Court room then he was assaulted by the Myaka people of O.P.No.2 regarding which the petitioner filed an application on 01.09.2018 in the Court of SDJM, Hilsa and application was also given to S.P. Nalanda on 03.09.2018, on which basis, Hilsa P.S. Case No. 509 of 2018 was instituted against the Myaka people of his wife/O.P. No.2

On the other hand, learned counsel appearing on behalf of O.P. No. 2 submits that, in fact, it is petitioner, who assaulted the O.P. No.2, when she come out from the Court



room after attending the conciliation proceeding regarding which Hilsa P.S. Case No. 485 of 2018 was instituted on 01.09.2019 against the petitioner and other in-laws.

Having regard to the facts and circumstances of the case, let the above named petitioner, namely, Vikash Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Hilsa, Nalanda in connection with Ekangarsarai P.S. Case No. 72 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the application filed on behalf of the petitioner is disposed of.

(Rajendra Kumar Mishra, J)

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