

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27865 of 2019

Arising Out of PS. Case No.-1544 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

Kunal Kishore Gautam, Son of Late Dinesh Raut, Resident of Mohalla -
Alinagar, P.S.- Lalit Narayan Mithila University, Distt - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari, wife of Kunal Kishore Gautam, D/o Mahendra Mandal
Resident of Mohalla - Alinagar, P.S.- Lalit Narayan Mithila University, Distt
- Darbhanga. At present residing at intern Girls Hostel , Room No. 6,
Jawahar Nehru Medical Collage and Hospital, Mayaganj, P.S.- Barari, Distt
- Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr .Syed Ehteshamuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1544 of 2016, disclosing

offences under Sections 323, 498A, 504 of the Indian Penal

Code and Section 3/4 of Dowry Prohibition Act.

There is allegation against the petitioner, who happens

to be the husband of the complainant-wife of torturing her and

snatching her son and not allowing her to meet her son. It

further appears that both petitioner and complainant are

Doctors.

Submission of learned counsel for the petitioner is

that petitioner has already filed a divorce case against the



complainant as she has deserted the petitioner herself and he has not allowed to left with his son, which has been kept by the petitioner. Even in the mediation, matter could not settled.

On the other hand, the learned counsel for the opposite party no.2 has submitted that she is still ready to reside with the petitioner and her only grievance that she has not been allowed to meet her son, which has been kept by the petitioner. It further appears that opposite party no.2 has filed a transfer petition for transfer of Matrimonial Case from Family Court, Darbhanga to the Family Court, Bhagalpur, as she is residing at present at Bhagalpur. She has also filed a petition for right of visit her son before the learned court, but the divorce has been stayed by this Court in M.J.C No. 2638 of 2017, as such the matter is still pending.

Learned counsel for the petitioner has assured that he has no objection and she is allowed to meet his son, but as petition is pending for that purpose, as such that may be at interim arrangement till any order is passed on the petition filed by opposite party no.2.

In such view of the matter, this application is allowed. The provisional bail granted to the petitioner, vide order dated 29.04.2019 is confirmed with condition that petitioner shall



allow his son to meet his grandfather/grandmother/mother or they may take him once in a month to her maik with further condition that they will be sent his son back on the next day.

The submission of learned counsel for the opposite party no.2 is that in the month of August, the birthday of the son of opposite party no.2 falls and it will be better to allow her to meet her son on birthday.

Considering the submissions, it is expected that petitioner shall allow her to meet his son on birthday and it will be better if both the parties enjoy the birthday of the son together.

With the aforesaid observations, this application is allowed.

(Vinod Kumar Sinha, J)

sunil shukla/-

U		T	
---	--	---	--

