

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33028 of 2019

Arising Out of PS. Case No.-1947 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Narendra Pandit, Son of Sri Arjun Pandit, Resident of Village-Mafi, P.O and
P.S.-Warisaliganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ragini Priya, Daughter of Late Tarkeshwar Kumar, Wife of Narendra Pandit,
Resident of Village-Makhdumpur, P.O and P.S-Beur (Anisabad), District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 27-09-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1947 (C) of 2018,

disclosing offences under Section 498A of the Indian Penal

Code and Section 4 of Dowry Prohibition Act.

As per complaint petition, there is demand of Rs.5
lakhs by the petitioner and other accused persons and further
complainant has also help the petitioner several times, but the
accused persons including the petitioner started abusing her and
beating her and even on the death of his grandfather, petitioner
has not gone to her maike, rather he has sent a legal notice to
her.

Submission of learned counsel for the petitioner is
that the whole allegation is false and concocted and he is still



ready to keep her with full dignity and care and for that a petition has already been filed under Section 9 of the Hindu Marriage Act and the same was decided *ex-parte*.

On the other hand, the opposite party no.2 has submitted that she is also ready to reside with the petitioner, if she is allowed to live with full dignity and care and petitioner has got a decree in Section 9 of the Hindu Marriage Act *ex-parte* without any proper notice to the opposite party no.2 for which, a misc. appeal has also been filed by her. Further submission is that at one side, petitioner is stating that he is ready to keep her, on the other hand, he has also filed a divorce petition.

Having heard both sides, in view of the facts, as stated above, this application is disposed of with a direction to the petitioner to surrender before the learned court below on 17.10.2019 and on that day the opposite party no.2 shall also remain present in the Court. Further on filing of an affidavit by the petitioner that he is ready to keep her with full dignity and care and he will not press the divorce application against the opposite party no.2, the petitioner shall be released on provisional bail for a period of six months. During that period, both the parties shall appear before the learned court below, so that the court below shall watch the conduct of both the parties.



Once being satisfied with the conduct of both the parties, especially, the conduct of the petitioner, the court below shall confirm the bail bonds of the petitioner, otherwise, he is free to pass any other order or orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

At the same time, it is made clear that once the parties are residing together peacefully, the petitioner shall withdraw the divorce application filed against the opposite party no.2.

It is also made clear that as the opposite party no.2 is in service, it is expected that whenever she will get the leave or holidays, she will go and reside with the petitioner.

(Vinod Kumar Sinha, J)

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