

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41863 of 2019**

Arising Out of PS. Case No.-159 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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SURAJ KUMAR S/o Kameshwar Prasad Resident of Harischandra Nagar,
Sipara, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Kmari D/o Surendra Prasad R/o village- Nasaratpur, P.S.-
Dhanaruwa, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 27-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.159© of 2019 registered for offences punishable under Sections 323, 498(A) of the Indian Penal Code and Sections 3/4 of the D.P.Act.

As per the complaint petition, there is allegation of demand of Rs.02 lac and harassment & cruelty.

Submission of the learned counsel for the petitioner is that as a matter of fact the behaviour of the O.P.no.2 was not proper, as she misbehaved with the mother and other family members of the petitioner, for which he has filed a complaint case and later on due to cruelty of the O.P.no.2 he has filed



Matrimonial Divorce Case No.84 of 2019, which is pending before the court of the learned Principal Judge, Family Court, Patna, in spite of that if the O.P.no.2 is ready to change her behaviour and ready to reside with the petitioner, he may keep her with dignity and care.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has submitted that the allegation of misbehaving with the parents of the petitioner is false but inspite of that she undertakes that she will make proper behaviour with them and she is ready to reside with the petitioner. .

Having heard both sides and in view of stands of the parties, this application is disposed of with direction to the petitioner to appear on 17.10.2019 before the learned court below and on that day, O.P.no.2 shall also appear and on filing an affidavit by the petitioner that he will keep her with dignity and care and filing an affidavit by the O.P.no.2 that she will reside with the petitioner and not misbehave with the family members of the petitioner, the provisional bail granted to the petitioner, vide order dated 9.7.2019 shall be extended for a period of six months and during that period both the parties have to appear before the learned court below so that the learned court below may watch their conduct and their matrimonial



relationship and once being satisfied with the conduct of both the parties, the learned court below shall pass an order confirming the bail bond of the petitioner, otherwise he is free to pass any other order or orders as he deems fit and proper.

In view of the stands of the parties, it is expected that though both the parties have to mutually respect each other and their family members and try to start the conjugal life afresh forgetting the past and their family members will also not interfere with their marital life.

Once the matter is settled between the parties, it is expected that both the parties shall withdraw all the cases filed against each other.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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