

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54700 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Raju Kumar @ Raju Mishra, Son of Nandu Mishra, Resident of Village-
Bishunpur Sumer, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Kumari, Wife of Raju Kumar @ Raju Mishra, Daughter of Madan Thakur, Resident of Village – Bishunpur Sumer, P.S. -Kanti, District -Muzaffarpur, presently Resident of Village- Kushi Harpur Ramani, P.S.- Kanti, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyavrat Verma, Advocate

Mr. Vatsal Verma, Advocate

For the Opposite Party No.: Mrs. Archana Palkar Khopde, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 09-04-2019 Heard Mr. Vatsal Verma, learned counsel for the

petitioner, Mrs. Archana Palkar Khopde, learned counsel for the

informant-complainant no. 2 and Mr. J.N. Thakur, learned APP

for the State.

The petitioner, being the husband of the informant, is
apprehending his arrest in a case registered for the offence
punishable under Sections 498A/34 of the Indian Penal Code.

The prosecution case, as per the written report of
Priyanka Devi submitted to the Station House Officer of Kanti



Police Station, is to the effect that the marriage between the informant and the petitioner was performed five years prior to the lodging of the case and subsequently, they were blessed with a son. Thereafter, torture was inflicted upon the informant by the petitioner and her in-law family members and when the brother of the informant came to reconcile the issue in question all the accused persons assaulted the brother to the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a child. Earlier also the informant lodged Complaint Case No. 404 of 2016 levelling accusation under Sections 384, 323, 379 and 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, wherein a Bench of this Court vide order dated 25.08.2017 passed in Cr. Misc. No. 22048 of 2017 granted anticipatory bail to the petitioner. It is further submitted that the petitioner has also filed Matrimonial Suit No. 114 of 2016 for restitution of conjugal rights and still the petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 16 of the petition, which reads as follows:-

“That it is submitted that the petitioner is still ready to keep the informant with full honour and dignity.”



Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

However, both sides agree to appear before the learned Court below on 29th of April, 2019 when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties which, at least, the informant and minor child will save from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, West, District - Muzaffarpur in connection with Kanti P.S. Case No. 228 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the



informant fails to appear before the learned Court below, or (iii)
if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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