

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42292 of 2019

Arising Out of PS. Case No.-1344 Year-2016 Thana- COMPLAINT CASE District- Banka

RAJESH YADAV, aged about 28 years, Male, Son of Debu Yadav Resident of Village - Malibathan, P.S.- Fullidumar, District - Banka.

... .. Petitioner

Versus

1. The State of Bihar
2. Phul Kumari Devi, aged 25 years (Female), Wife of Rajesh Yadav D/o Gurudayal Yadav, Resident of Village - Bhaturai Gora, P.S.- Banka, District - Banka.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee, Advocate
For the State	:	Mr.Ram Anurag Singh, A.P.P.
For the Opposite Party No.2:	:	Mr. Balram Kapri, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-09-2019 Heard learned counsel for the petitioner and learned counsel for the complainant-opposite party no. 2 as well as Additional Public Prosecutor for the State.

The petitioner, in the present case, is the husband of complainant-opposite party no. 2 seeking anticipatory bail in connection with Complaint Case No. 1344/2016 registered under Sections 323, 498A, 380, 504 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act and Section 4 of Dowry Prohibition Act.

Earlier vide order dated 10.07.2019 petitioner has been granted privilege of provisional anticipatory bail.

Today in course of hearing, learned counsel for the



petitioner submits on instruction that the complainant-opposite party no. 2 has married to somebody else, still if she is willing to come back and live with the petitioner, he is ready to accept her as his wife and would live with her peacefully with full dignity and care.

Learned counsel representing the complainant-opposite party no. 2 has objected to the claim of the petitioner that the complainant-opposite party no. 2 has married to somebody else. Learned counsel submits that in fact the petitioner who has married another lady and the plea which is being taken by him against complainant-opposite party no. 2 of having entered into a marriage with somebody else is totally wrong and false.

Learned counsel submits that complainant-opposite party no. 2 is ready to live with the petitioner and for that if the petitioner is ready to accept her the provisional anticipatory bail may be allowed to continue and the court below may be directed to observe the behavioural approach of the petitioner for a period of at least six months from the stay of both the parties together and thereupon the court below may confirm the anticipatory bail.

In the given facts and circumstances of the case taking



note of the aforesaid submissions of both the parties, this application is being disposed off with a direction to the court below to call upon both the parties in court and from there the petitioner and the complainant-opposite party no. 2 shall be allowed to go together to live peacefully with full dignity and care, thereafter the court will observe the relationship between the parties for a period of about six months and thereafter a decision may be taken to either confirm or not to confirm the provisional anticipatory bail of the petitioner.

If the complainant-opposite party no. 2 refuses to go with the petitioner and live together, the court below shall proceed to confirm the provisional anticipatory bail of the petitioner.

The applications stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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