

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37220 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA P.S. District- Patna

Vishal Kumar, aged about 31 years, S/o Shri Vijay Narayan Singh, R/o C/o Mr. Ramesh Prasad Advocate Rajendra Nagar Road No. 12, Teus Kothi Near Mithila Bhawan, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Soni Kumari, aged about 28 Years, W/o of Vishal Kumar and D/o Shri Shiv Lakhan Sharma, Resident of Lal Bunglow – 81 Flast EB 51, Jamaboda, P.S. Jora Pokhar, District Dhanbad, Jharkhand and at present Raja Bazar Pillar No. 39, Zenith Guest House, P.S. Shastri Nagar, District – Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Sri Anant Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 08-02-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 313, 307, 509/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the written report of Soni Kumari submitted to the Station House Officer of Mahila Police Station, Patna is to the effect that she was married with the petitioner on 28.01.2012 but after the marriage, she was being tortured for non-fulfillment of further dowry demand, however, she was blessed with a female child. Thereafter, for some time, the petitioner took her to Kuwait at his place of employment but



she returned back after some time and thereafter, the petitioner did not allow her to remain with him, in spite of the best effort of the informant, the husband did not allow her to consume conjugal life. It is further alleged that the pregnancy of the informant got terminated due to the assault.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child.

Though, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 20.09.2018, but the report of the Mediator dated 31.10.2018 at Flag 'Y' reflects that the issued could not be resolved.

However, both the petitioner and the informant, who are present in Court, submit that the issue has been resolved between the parties and they want to resume their conjugal life. The petitioner agree to take back the informant along with the child to his place of employment at Kuwait sometimes between 25th March to 10th April, 2019.

In the circumstances, the informant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties, 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 Judicial Magistrate, Ist Class, Patna in connection with Patna Mahila P.S. Case No. 20 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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