

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52234 of 2018

Arising Out of PS. Case No.-972 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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GAUTAM PRASAD @ GAUTAM KUMAR, son of Mewalal Tanti, resident
of village-Nepura, P.S.-Silav, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Savita Devi, wife of Gautam Prasad @ Gautam Kumar, resident of village-
Nepura, P.S.-Silav, District-Nalanda at present D/o Vijay Prasad, resident of
mohalla-Shiv Charan Lane Manpur Adda, P.S.-Buniyadganj, District-Gaya.

... .. Opposite Parties/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner. Neither

learned APP for the State nor learned counsel for the opposite

party no.2 are present.

Petitioner, in the present case, is seeking anticipatory

bail in connection with Gaya Complaint Case No.972 of 2016

registered for the offences punishable under Sections 498(A),

323, 379, 363 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner and the opposite party no.2 were married in the year

2006 and they have three children out of their wedlock. Learned

counsel submits that in the given facts and circumstance the

matter was earlier referred to the Mediation Centre of this Court



for amicable resolution of the dispute between the parties, but the mediation ultimately failed and a report in this regard has been submitted at Flag- 'A'. Learned counsel further submits that the petitioner wants restoration of his conjugal right and he is ready and willing to take back the opposite party no.2 to his matrimonial home and live with her with full dignity and love, but it is the opposite party no.2 who is not willing to live with him.

In the given facts and circumstances of the case, considering the nature of dispute between the parties and the fact that they have three children out of wedlock, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Complaint Case No.972 of 2016, subject to the condition that he will appear in the complaint case pending before the learned Chief Judicial Magistrate-1st Class, Gaya within a period of four weeks and shall submit an affidavit that he would be willing to take back the opposite party no.2 to his matrimonial home. This will be in addition to condition prescribed under



Section 438(2) of the Cr.P.C.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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