

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57242 of 2018

Arising Out of PS. Case No.-592 Year-2017 Thana- HAJIPUR District- Vaishali

Prabhat Sinha, S/o Shakti Kumar Sinha, Resident of Flat No. 5 -A, Prestige Apartment, Durga Mandir, Road, Hirapur, P.S. Dhanbad, District- Dhanbad (Jharkhand). at present Visiting Faculty, L.N. Mishra, Institute Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh
For the Opposite Party/s	:	Mr. Shailendra Kumar -1 APP
For O.P. No.2	:	Mr. J.P. Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-01-2019 Heard learned counsels for the parties.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A,323,307 and 504/34 of the IPC.

The prosecution case as per the written report of informant Nivedita Sinha submitted to the SHO, Hajipur Town Police Station is to the effect that the informant was married with the petitioner on 19.1.2008, but immediately after marriage, torture was inflicted upon her as the petitioner wanted additional dowry. Subsequently, the informant, after qualifying in the BPSC Examination, joined the State service and even thereafter, the petitioner began alleging that the informant is having illicit relationship with her office staff. On 29.7.2017 and 16.8.2017



the informant was brutally assaulted. It is further alleged that the accused persons snatched her ornaments.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and the birth of a child. The petitioner provided all assistance to the informant for preparation of competitive examination but she is not taking care of the petitioner.

Learned Senior Counsel appearing for the informant submits that informant was brutally assaulted which is being corroborated by the medical opinion. Thereafter, the informant preferred Matrimonial Suit No. 1167 of 2017 before the learned Principal Judge, Family Court, Patna with prayer for dissolution of marriage. It is further submitted that though the petitioner has entered appearance in the matrimonial suit but he wants to prolong the proceeding and in view of the nature of accusation and injury caused to the informant, the petitioner does not deserve anticipatory bail.

Considering the rival submissions of the parties, since learned counsel for the petitioner submits that the petitioner has entered appearance in the matrimonial suit and the petitioner will regularly appear in the matrimonial suit, this Court, in spite of the fact that the accusation of assault is being corroborated by



the medical opinion, very reluctantly directs that the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.592 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will only be confirmed by the learned court below if the petitioner appears regularly in the said matrimonial suit.

It is expected from the learned Principal Judge, Family Court, Patna to conclude the proceeding of the matrimonial suit within a period of six months without giving unnecessary adjournment to the either party.

Let a copy of this order be communicated to the learned Principal Judge, Family Court, Patna also.

(Dinesh Kumar Singh, J)

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