

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73461 of 2018

Arising Out of PS. Case No.-253 Year-2018 Thana- SIRDALA District- Nawada

Dinesh Rajbanshi, Son of Tulshi Rajbanshi, Resident of Village-Purnadih,P.S.
Sirdalla Meskaur O.P.,Distt.-Nawada

... .. Petitioner/s

Versus

1. State Of Bihar
2. Pinki Devi, Wife of Dinesh Rajbanshi, D/o Upendra Rajbanshi, Resident of Village-Rajgir Side Par P.S. Rajgir,Distt.-Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Sri Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the complainant, is apprehending his arrest in connection with Sirdallaha P.S. Case No.253 of 2018 registered for the offences punishable under Sections 147, 148, 149, 342, 323, 504, 427 and 498(A) of the Indian Penal Code.

The prosecution case, as per the written report of Pinki Devi submitted to S.H.O. Meskaur P.S. is to the effect that the marriage of the informant was performed with the petitioner about six years prior to the lodging of the case. Subsequently, they were blessed with a daughter. On 12.08.2018, the



petitioner called on the mobile phone of informant's brother and asked him to come, whereupon, the informant and her paternal family members went to the petitioner's house, when the informant was assaulted by the petitioner and others accused persons

Learned counsel for the petitioner submits that the petitioner admits his marriage with informant and birth of a daughter. The accusation of assault and causing injury is not corroborated by any medical opinion, however, the petitioner is ready to keep her as wife with full dignity and honour and also ready to withdraw the matrimonial suit, if the issue gets reconciled. The statement to that effect has been made in para 12 of the bail petition which is as follows :-

12 "That the petitioner is still to keep the informant with full honour and dignity, provided she is ready to live peacefully at her matrimonial home."

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner and the filing of matrimonial suit. However, she is ready to make effort to get the issue reconciled.

Considering the present stand of the parties, keeping in view the fact that the same will at present save the complaint



from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner be released on provisional anticipatory bail for six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Nawada in connection with Sirdallaha P.S. Case No.253 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant and on her appearance on 16th April, 2019, the petitioner agree to take her along with her daughter to keep them with full dignity and honour.

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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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