

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68522 of 2019**

Arising Out of PS. Case No.-1095 Year-2018 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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SUMAN KUMAR, S/o- Sri Nathuni Prasad R/O- Mohalla- Gadiyani, Ward No.- 5, P.S.- Madhubani, A/P- Campus of Electricity Supply, Sub-Division- Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smita Bharti W/O- Suman Kumar R/O- Campus of Electricity Supply, Sub-Division- Masaurhi, P.S.- Masaurhi, District- Patna, A/P- R/O- Samir Nagar, Ward No. -25, Near Block Jail Road, P.O.- Koshi College, P.S.- Chitragupt Nagar, District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

- 3 20-12-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 1095 (C) of 2018, disclosing offences under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per complaint case, there is allegation against the petitioner, who happens to be the husband of the complainant of torturing her with respect to demand and ousted her from the house.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with full dignity and care. As she is not ready



to reside with the petitioner, he has filed a divorce petition also, but he is still ready to withdraw the same, if she is ready to reside with him.

On the other hand, learned counsel for the opposite party no.2 has submitted that she was subjected to cruelty and a divorce petition has also filed by the petitioner.

After some argument, she is ready to reside with the petitioner, if she is allowed to live with full dignity and care.

In view of stand of the parties, let the petitioner, above named, surrender before the learned court below by 10.01.2020 and on that day the opposite party no.2 shall also remain present in the Court, and further on filing of an affidavit by the petitioner that he is ready to keep her with full dignity and care and to take her from the Court itself, then the court below shall be released him on provisional bail for a period of nine months. During that period, the learned court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the second week of each month before the learned court below. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the court below either confirm the bail bonds of the petitioner, otherwise,



he is free to pass any other orders or order, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

It is also made clear that if the opposite party no.2 does not chose to appear before the learned court below on the date fixed, the petitioner shall be released on bail by the court below on its own satisfaction.

It is also made clear that during the period of nine months, the petitioner shall not press his divorce petition, otherwise, the opposite party no.2 is at liberty to move for cancellation of his bail bonds.

It is also made clear that once the matter is settled between the parties, the petitioner has to withdraw the divorce case filed by him.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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