

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73470 of 2019

Arising Out of PS. Case No.-526 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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RAJESH DAS @ RADHESHYAM DAS Son of Gulo Das Resident of
Village- Kalwara, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Simpi Kumari D/o- Madhu Das Resident of Village- Pabra, Tola- Dhaththa,
P.S.- Rosera, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Bharat Bhushan(App156)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-11-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.526 of 2018 dated 6.8.2018 registered for offences punishable under Sections 147, 148, 323, 494, 406 and 500 of the Indian Penal Code.

As per FIR, there is allegation against the petitioner , who happens to be husband of the complainant, of demand of dowry, torture and also assaulting her. Further allegation is that he has solemnized another marriage but it appears that case under Section 494 of the IPC was not found true and as such the processes were issued under Section 498A of the IPC.

Submission of the learned counsel for the petitioner is



that the allegation is false and he is ready to keep her with dignity and care.

On the other hand the learned counsel for the O.P.no.2 has appeared *suo motu* and submitted that she is ready to reside with the petitioner but earlier before the court of Addl. Sessions Judge he refused to keep her.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender on 10.12.2019 and on that day O.P.no.2 shall also remain present in the court below and on appearance of both the parties and on filing of the affidavit by the petitioner that he will take her from the court below itself and will keep her with dignity and care, the petitioner shall be released on provisional bail in connection with Complaint Case No.526 of 2018 dt. 6.8.2018 for a period of six months and during that period, both the parties have to appear before the learned court below in the third week of each month so that the learned court below may watch the conduct and matrimonial relationship between the parties and once being satisfied with the conduct of both the parties and their matrimonial relationship especially the conduct of the petitioner, the bail bond of the petitioner shall be confirmed otherwise the learned court below is free to pass any other order or orders as



he deems fit and proper including cancelling the bail bond of the petitioner. It is needless to say that if O.P.no.2 does not appear on the date fixed, or she is not ready to reside with the petitioner, the petitioner shall be released on bail by the learned court below to his own satisfaction.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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