

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9317 of 2020

Arising Out of PS. Case No.-526 Year-2019 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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AJAY KUMAR BHAGAT Son of Upendra Prasad Bhagat Resident of Village
- Simri Bakhtiyarpur, P.S. - Simri Bakhtiyarpur, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari Wife of Ajay Kumar Bhagat, Daughter of Umesh Bhagat
Resident of Raman Gas Agency, Kahra Road, P.S. and District-Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner.

However, none appears for the O.P. No. 2.

The present application has been filed for grant

of bail in a complaint case wherein processes were

directed to be taken after cognizance being taken under

Sections 406, 494, 498A, 120B of the Indian Penal

Code.

It appears that vide order dated 03.03.2020,

the petitioner was granted provisional bail for eight



weeks and on joint prayer of the parties, the matter was referred to the Patna High Court Mediation Centre.

It is submitted by learned counsel for the petitioner that due to the extraordinary circumstance created by present pandemic of COVID-19, the mediation could not be conducted.

In the circumstances, this Court is inclined to dispose of the matter.

The prosecution case as per the complainant Mamta Kumari is to the effect that she was married with the petitioner on 29. 04 2007 and they were blessed with two children, but subsequently there was further dowry demand and due to the non-fulfillment of dowry demand, she was being tortured by the petitioner and other in-law family members. It is further alleged that petitioner has performed second marriage.

Learned counsel for the petitioner submits that petitioner admits his marriage with the complainant and birth of two children. However, he denies to have



performed second marriage. A statement to that effect has been made in para 9 of the petition which reads as under:-

"That so far allegation of performing second marriage by the petitioner is absolutely an absurd allegation and petitioner denied the same."

The petitioner is still ready to keep the complainant as wife with dignity and honour. Statement to that effect has been made in para 10 of the petition. The petitioner had also filed Matrimonial Case No. 44 of 2016 for the restitution of conjugal life which ended into compromise.

Learned counsel for the State submits that thrust of accusation is against the husband of the complainant.

Considering the stand of the petitioner, particularly, the fact that petitioner has not performed second marriage and he is ready to keep his wife/complainant with full dignity and honour, the provisional bail granted to the petitioner is extended till



15th of November 2020.

Let the Court below issue notice to the complainant and on her appearance the petitioner will take her to her matrimonial house.

The provisional bail of the petitioner will be confirmed by the learned Court below in either of the three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year or (ii) If the complainant fails to appear before learned Court below or (iii) If the complainant gets reluctant to reconcile the issue.

It is made clear that if the physical court proceeding is not likely to be functional till November, 2020 then learned Court below will be at liberty to further extend the period of provisional bail.

(Dinesh Kumar Singh, J)

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