

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23250 of 2020**

Arising Out of PS. Case No.-1200 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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VIKASH KUMAR SINGH @ GUNJAN SINGH @ BIKASH KUMAR @
VIKASH KUMAR Son of Narendra Kumar Singh Resident of behind Deepak
Dairy, North Anandpuri, Western Boring Canal Road, P.S. - S.K. Puri, District
- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Preeti Kumari W/O- Vikash Kumar Singh @ Gungan Singh Resident of
Village - Shripur, P.S.- Sangrampur, District - Munger. Currently residing at
Care of /Daughter of Purshottam Prasad Singh, Resident of Village and Post-
Barhauniya, P.S.- Sangarampur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For the O.P. No. 2	:	Mr. Dhananjay Kumar Gupta, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-12-2020 Heard learned Senior Counsel for the petitioner, Mr.

Dhananjay Kumar Gupta, learned counsel for the Opposite Party No.
2 as also Mr. Ajay Kumar No. 2 learned APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No. 1200(C) of 2018 in
which cognizance has been taken for the offence under Sections 323,
341, 498(A), 504 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that the
marriage between the petitioner and opposite party no. 2 was
solemnized in the year 2008, thereafter, the matrimonial discord took
place and according to him the opposite party no. 2 had left the



matrimonial home. In his statement the opposite party no. 2 gave birth to a daughter in the year 2012, the petitioner is alleging adultery against the complainant-opposite party no. 2 and according to learned Senior Counsel the petitioner had earlier taken a step towards filing of a petition seeking decree of divorce but the said petition being Matrimonial Case No. 824 of 2012 stood dismissed in default and now the same is subject matter of consideration for restoration in a miscellaneous case.

Learned Senior Counsel submits that the present complaint has been filed by opposite party no. 2 in the year 2018 i.e. six years after she left the matrimonial home and false allegations have been made that the complainant-opposite party no. 2 has been thrown out on 13.11.2018.

On the other, learned counsel for the complainant-opposite party no. 2 submits that the petitioner is not taking care of the complainant-opposite party no. 2 and his minor daughter and only by making false and frivolous kind of allegations he is trying to impress upon this Court in this case.

Learned counsel submits that in the divorce application though the petitioner had allegedly taken a ground of adultery but that has never been proved and therefore, the same cannot be a ground for purpose of grant of anticipatory bail in this case.

Learned counsel for O. P. No. 2 has however, submitted that he has instruction to say that opposite party no. 2 is also looking



for some sort of settlement with the petitioner and for the present the petitioner should take care of her and the minor daughter.

At this stage, Mr. Ramakant Sharma, learned Senior Counsel for the petitioner submits that as a matter of good gesture and to show his bonafide, till such settlement takes place, the petitioner offers to pay Rs. 4,000/- per month to meet the necessary expenses of the complainant-opposite party no. 2 and the minor daughter.

Learned Senior Counsel submits that the petitioner shall continue to pay the said amount till the final settlement.

Having regard to the facts and circumstances of the case, in the nature of dispute between the parties and the stand taken by learned counsel for the parties, this Court directs that in case of arrest or surrender of the petitioner above named within a period of four weeks from today in connection with Complaint Case No. 1200(C) of 2018 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Munger, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

With further condition that in terms of his own statement made before this Court the petitioner shall pay a sum of Rs. 4000/- per month within first ten days of every month and such amount shall either be remitted to the complainant-opposite party no. 2 in her bank account or be sent through money order on the address of the complainant-opposite party no. 2. The petitioner shall continue to pay this amount subject to any other appropriate proceeding and order which may be passed by a competent authority in that regard and until such settlement takes place whichever is earlier.

Failure to abide by this promise would invite cancellation of bail of the petitioner.

As agreed by learned Senior counsel for the petitioner and opposite party no. 2, the parties will take steps in the mediation center attached to the learned court below within a period of two months from today for amicable resolution of disputes and finding out the terms of settlement.



If any such step is taken, the court below shall take appropriate steps to get the mediation done.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

