

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11693 of 2020

Arising Out of PS. Case No.-183 Year-2019 Thana- MEHANDIGANJ District- Patna

OM PRAKASH Son of Shyam Babu Resident of Mohalla - Dullighat,
Chornia Gali, Gurhatta, P.S.- Khajekala, District - Patna, At present Diwan
Mohalla, Chunni Gali, P.S.- Khajekala, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari Wife of Om Prakash Resident of Village - Diwan Mohalla-
Chunni Gali, P.S.- Khajekala, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-11-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Mehandiganj
P.S. Case No.183 of 2019 registered under Sections 341, 323,
498A and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that
earlier to the institution of the present case, the informant
lodged Khajekala P.S. Case No.245 of 2019. Danapur P.S. Case
No.645 of 2019 was transferred to Mehandiganj P.S. and on
such, Mehandiganj P.S. Case No.183 of 2019 was registered in
place of Danapur P.S. Case No.645 of 2019. It is further
submitted that petitioner is ready to keep his wife with
undertaking to keep her with full honour and dignity. It is



further submitted that petitioner has earlier filed Khajekala P.S. Case No.245 of 2019 and a Bench of this Court sent the record to Mediation Centre for reconciliation and resolution of the disputes between the husband and the wife but on account of covid pandemic lockdown, the case was never listed either before the Hon'ble Bench or before the Mediation Centre. It is submitted that petitioner is always ready to keep his wife. On such, Mr. Raj Kumar, learned counsel for the informant submits that the informant is also ready to live with her husband although her husband has solemnised second marriage but the informant has no difficulty in living with her husband.

Taking into consideration the fact that the husband and the wife are willing to restore their conjugal relation after sinking their differences, the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt of this order and on such, learned court below shall enlarge the petitioner on provisional bail for six months on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City in connection with Mehandiganj P.S. Case No.183 of 2019, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Thereafter, the learned court below shall make efforts for resolution of the disputes between the husband and the wife and if the petitioner keeps his wife properly with all honour and dignity, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife with all honour and dignity, the learned court below shall pass order on the provisional bail of the petitioner in accordance with law immediately after lapse of six months.

(Prabhat Kumar Jha, J)

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