

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20462 of 2020

Arising Out of PS. Case No.-798 Year-2019 Thana- MASAUDHI District- Patna

PINTU KUMAR Son of Balmiki Prasad Resident of Village - Bahadur
Bigaha, P.S.- Masaurhi, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertake to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498A, 494 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.



The prosecution case as per the written report of the informant, Rekha Kumari submitted before the S.H.O., Masaurahi Police Station is to the effect that the informant was married with the petitioner on 07.06.2015. Subsequently, the informant came to know that the petitioner has performed second marriage with one Riya Kumari.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“ That the petitioner is ready to keep the informant as wife with full dignity and honour.....”

Learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the informant.

Considering the present stand of the petitioner as quoted above, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned Additional Sessions Judge,



Masaurahi, Patna, in connection with Masaurahi P.S. Case No. 798 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by learned Court below within six months in three eventualities (i) if the matrimonial harmony is substantially restored; or (ii) if the informant fails to appear before the learned court below; or (iii) if the informant gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge,



Masaurahi, Patna, in connection with Masaurahi P.S. Case No. 798 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next six months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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