

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22433 of 2020

Arising Out of PS. Case No.-3152 Year-2014 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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CHANDAN KUMAR SINGH, S/o Late Shambhu Singh @ Bucchi Prasad
Singh Resident of Mahua, Arraha, P.S.-Dhailad, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dimpal Devi, D/o Awadhesh Ram Resident of Daheria, Naya Tola, P.S-
Katihar, District-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the State : Ms. Asha Kumari
For the Opposite Party No. 2 : Mr. Kamlesh Kumar Pathak

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2020 Heard Mr. Sanjeev Kumar Singh, learned

counsel for the petitioner; Mr. Kamlesh Kumar Pathak,

learned counsel for the Opposite Party No. 2; and Ms.

Asha Kumari, learned APP for the State.

The petitioner, who is the husband of Opposite

Party No. 2, seeks bail in anticipation of his arrest in

connection with Complaint Case No. 3152 of 2014, in

which cognizance has been taken under Sections 498(A)

and 406 of the Indian Penal Code and Section 4 of the

Dowry Prohibition Act, 1961.



The petitioner was earlier granted provisional bail but because of the allegation against the petitioner of not keeping up his promise of treating his wife (Opposite Party No. 2) properly, the bail granted to him was withdrawn.

The learned counsel for the petitioner has submitted that without any appropriate reason, Opposite Party No. 2 had filed an application for cancellation of the bail of the petitioner, even though all efforts were made by the petitioner to keep her happy.

The stand of the petitioner today initially was that he is ready to keep Opposite Party No. 2 at her matrimonial home.

Mr. Kamlesh Kumar Pathak, learned counsel for Opposite Party No. 2 however submits that there cannot be restoration of any matrimonial life unless the petitioner brings the Opposite Party No. 2 to the place where he works and lives.

After some reluctance, the learned counsel for



the petitioner has submitted that the petitioner would try to keep the Opposite Party No. 2 at his place of work so that the matrimonial relationship is actually restored.

Considering the aforesaid stand of the petitioner, this Court directs that in the event of petitioner surrendering before the court below within a period of eight weeks with the aforesaid stand, he shall be granted provisional bail afresh.

Simultaneously, notice shall be issued to Opposite Party No. 2 and on her appearance, the court below shall explore the possibilities and the modalities of the return of the Opposite Party No. 2 to her matrimonial home at the place where the petitioner normally resides. If the court below is of the view that the relationship between the spouses has been restored, the court below shall fix the case after two months and shall review the situation on the return of the rule.

If the Opposite Party No. 2 does not have any objection and expresses her satisfaction that the



petitioner has kept her properly as his legally wedded wife, the provisional bail shall be confirmed.

However, if the Opposite Party No. 2 behaves in an unreasonable manner and refuses to cohabit with the petitioner without any reason, that would also be taken into account while confirming the bail of the petitioner.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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