

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47795 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA PS District- Jehanabad

BIRJU PRASAD Son of Sri Ram Swaroop Prasad @ Ram Saroop Prasad
Resident of Village-Kurmi Bigha, P.S.-Ghoshi, District-Jehanabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mamta Kumari W/o Birju Prasad, D/o Late Manohar Prasad Resident of Village-Kujapee P.S.-Chandauti, District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Verma, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP Incharge

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 04-09-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Jehanabad Mahila P.S. Case No. 19/2019 registered for the offences punishable under Section 498(A) of the Indian Penal Code.

Although Opposite Party No. 2 has entered appearance but despite link sent to learned counsel representing the Opposite Party No. 2, he has not joined the proceeding. The records shows that when the case was sent to the Mediation Centre earlier the Opposite Party No. 2 did not appear before the Mediation Centre.



The allegation against the petitioner is that he was not keeping good behaviour with his wife and for last five years he was torturing her and was demanding money which she earns from her engagement as Anganbari Sevika. It is also alleged that the petitioner assaulted the informant and for that reason she does not want to live with him.

Learned counsel for the petitioner submits that the whole case is concocted and baseless. The marriage between the parties was solemnized about 18 years ago and out of the said wedlock they have got two children i.e. one son aged about 14 years and one daughter aged about 11 years.

It is submitted that the petitioner is engaged in agricultural work, however Opposite Party No. 2 is working as Anganbari Sevika and by virtue of her moving in the localities she has developed intimacy with some other person and is living in adulterous life. It is submitted that two years back she had left the house of the petitioner for which a Sanha entry No. 513 of 2014 (Annexure P/2) was lodged by this petitioner. By filing an information petition in the Court of learned C.J.M. the petitioner had complained against the conduct of Opposite Party No. 2. He has also lodged a complaint case no. 368/2019 in the court of learned C.J.M. Jehanabad.



By filing a supplementary affidavit petitioner has stated that the informant of this case has filed a divorce case against the petitioner in which he has received summon. Copy of the complaint petition filed by the petitioner has been enclosed as Annexure P/4/1.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the relationship being 18 years old and there are allegations and counter allegations, the attempt taken by this Court for mediation has failed as the Opposite Party No.2 did not appear before the Mediation Centre, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Jehanabad Mahila P.S. Case No. 19/2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, subject to the conditions 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

