

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68159 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- ALIPUR District- Gaya

Shakti Kuamr @ Bablu, S/o Umakant Sharma, Resident of Village- Kespa,
P.S.- Alipur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari, D/o Late Ram Binay Singh, Resident of Village- Ramdih
Paraiya, P.S.- Paraiya, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-01-2020 This is an application for grant of anticipatory bail in connection with Alipur P. S. Case No. 38 of 2019, disclosing offences under Sections 323, 498A, 504, 506 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Case is under Section 498-A of the IPC. Petitioner happens to be the husband of the opposite party no.2. There is allegation of demand of four wheeler vehicle and for that, subjecting her to cruelty.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with full dignity and care, but as she was not ready, he has filed a divorce application.



On the other hand, the opposite party no.2 has appeared and opposed the prayer for anticipatory bail on the ground that before the learned Sessions Judge, the petitioner was not ready to keep her, but if the petitioner is ready to keep her with dignity and care, he has no objection, unless the petitioner does not press his divorce application.

Learned counsel for the petitioner also undertakes that he will not press the divorce application till any settlement is made between the parties.

In such view of the stand of the parties, let the petitioner, above named, surrender before the learned court below on 27.01.2020 and on that day the opposite party no.2 shall also remain present in the Court, and further on filing of an affidavit by the petitioner that will not press the divorce application filed by him and further he is ready to keep her with full dignity and care and to take her from the Court itself, he will be released on provisional bail for a period of six months. During that period, both the parties shall appear before the court below, so that the court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the second week of each month. Once the court below is satisfied with the conduct of both the parties, and their marital



relationship, especially the conduct of the petitioner, the court below shall confirm the provisional bail of the petitioner, otherwise, he is free to pass any other orders or order, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

It is also made clear that before any settlement is made between the parties, the petitioner shall not press his divorce application and once the settlement is reached, he will withdraw his divorce application.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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