

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65597 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- DALSINGHSARAI District- Samastipur

ANAND KUMAR Son of Jay Prakash Sah Resident of Village-Pakri Pakohi,
P.O-Pakri, P.S-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Sujata Wife of Anant Kumar D/o Sri Subodh Kumar At Present Village Banghara, P.S-Dalsingsarai (Ghatho O.P.), District-Samastipur, Pin Code-848114.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ratneshwar Prasad
For the Opposite Party/s	:	Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-01-2020 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Dalsinghsarai P.S. (Ghatho O.P.) Case no.89 of 2019 registered for offences punishable under Sections 323, 341, 504, 506, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per FIR, there is allegation against the petitioner, who happens to be husband of the informant and there is allegation of demand of one Scorpio vehicle and for that she was abused and tortured.

Submission of the learned counsel for the petitioner is that the allegation is false and concocted. He is still ready to keep her with dignity and care and further there is averment by the learned counsel for the petitioner that he has given amount as one time settlement to the O.P.no.2, which will appear from



Annexure-2.

On the other hand the learned counsel for the O.P.no.2 has opposed the prayer for bail on the ground that the processes under Sections 82 and 83 of the Cr.P.C. has already been exhausted against him, however, she is still ready to reside with the petitioner, if she is allowed to live with dignity and care.

From perusal of the record it appears that vide order dated 14.11.2019, the order for no coercive step has been passed by a Co-ordinate Bench of this Court and his prayer for bail before the learned lower court was also pending since September, 2019.

Heard learned A.P.P. also.

Having heard both sides and in view of stands of the parties.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender on 24.1.2020 and on that day O.P.no.2 shall also remain present in the court below and on appearance of both the parties and on filing of the affidavit by the petitioner that he will take her from the court below itself and will keep her with dignity and care, the petitioner shall be released on provisional bail for a period of six months in connection with Dalsinghsarai (Ghatho O.P.)



P.S.Case No.89 of 2019 and during that period, both the parties have to appear before the learned court below in the third week of each month so that the learned court below may watch the conduct and matrimonial relationship between the parties and once being satisfied with the conduct of both the parties and their matrimonial relationship especially the conduct of the petitioner, the bail bond of the petitioner shall be confirmed otherwise the learned court below is free to pass any other order or orders as he deems fit and proper including cancelling the bail bond of the petitioner. It is needless to say that if O.P.no.2 does not appear on the date fixed, or she is not ready to reside with the petitioner, the petitioner shall be released on bail by the learned court below.

It is also submitted that the petitioner has filed a divorce case but it is made clear that he shall not press the divorce case during the period of provisional bail and if the matter is settled between the parties, he will withdraw the case.

(Vinod Kumar Sinha, J)

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