

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78079 of 2019

Arising Out of PS. Case No.-466 Year-2019 Thana- KHAJANCHI HAT District- Purnia

RAMAN KUMAR SINGH, Son of Ajay Singh, Resident of Chitravani Road
Taxi Stand, P.S.- K. Hat (Sahayak), District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Singh, Wife of Raman Kumar Singh, Daughter of Laxmi Narayan Singh Resident of 318C Block Bara-8, Kanpur, P.S.- Bara, District- Kanpur (U.P.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-06-2020 The matter has been taken up through virtual Court proceeding.

It appears that vide order dated 04.12.2019, passed by a Co-ordinate bench of this Court, the petitioner was granted provisional bail when notice was also issued to the complainant-opposite party no.2. From perusal of office note dated 01.06.2020, it appears that the notice on behalf of complainant-opposite party no.2 has been received by one Nitu Singh, but none is appearing on her behalf. But considering the fact that physical Court proceeding is not conducting due to present pandemic, Covid-19 the matter is being taken up.

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



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 307, 498A and 506 of the I.P.C.

The prosecution case as per the written report of Jyoti Singh submitted before the S.H.O., K. Hat Police Station is to the effect that the marriage of the informant was performed with the petitioner on 29.06.2012. Subsequently, the informant was not only tortured for non-fulfillment of further dowry demand but also she was driven out from the matrimonial house by the petitioner. It is alleged on 30.06.2019, the petitioner tried to crush the informant with a motorcycle, as a result, she received minor injuries. The informant was also tried to throttle by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. In fact, the informant herself does not want to live with the petitioner, hence, the petitioner has filed Matrimonial Case No. 152 of 2017 on 23.08.2016 with a prayer for dissolution of marriage which is pending before the learned Principle Judge, Family Court, Purnea. Thereafter, as a retaliatory measure, the present case has been lodged by the complainant-opposite party no.2. However, the petitioner is ready to make payment of Rs.2,000/- per month to the informant from August, 2020 by depositing the same in the bank



account of the informant by second week of every succeeding month.

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

Considering the matrimonial suit filed by the petitioner at earlier point of time and the present stand of the petitioner that he is ready to make payment of Rs.2,000/- per month to the informant which will at least save the informant from any destitution and vagrancy with a lurking hope that the issue between the parties may reconcile in future, let the provisional bail granted to the petitioner vide order dated 04.12.2019, in connection with K. Hat (Sahayak) P.S. Case No. 466 of 2019, pending before the learned CJM, Purnea is extended till 30th of August, 2020.

The learned Court below will make all efforts to get the issue mediated between the parties after issuing notice to the informant.

The learned Court below will confirm the provisional bail of the petitioner, if the issue is reconciled between the parties during mediation; or, if the informant fails to appear before the learned Court below or Mediator; or if the mediation could not succeed due to lapse on the part of the informant.



The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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