

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86348 of 2019

Arising Out of PS. Case No.-369 Year-2017 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

=====

Rajeev Kumar, aged about 26 years, male, Son of Lalo Ram, Resident of
Village- Chero, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Devi, Wife of Rajeev Kumar, D/o - Shiv Kumar Ram, Resident of
Village- Chero, P.S.- Sarmera, District- Nalanda, at present Resident of
Village- Ramnagar, P.S.- Barbiga, District- Sheikhpura.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Adv.
For the O.P. No. 2	:	Dr. Anjani Prasad Singh, Adv.
For the State	:	Mr. Kalyan Shankar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 03-07-2020 Heard Mr. Bashishtha Narayan Mishra,

learned counsel for the petitioner, Dr. Anjani Prasad
Singh, learned counsel for the complainant/opposite
party No. 2 and Mr. Kalyan Shankar, learned APP for
the State.

The petitioner seeks bail in anticipation of his



arrest in connection with Complaint Case No. 369C of 2017 in which cognizance has been taken under Sections 498(A) and 323 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

At the very outset, it has has been submitted on behalf of the petitioner, who is the husband of the complainant/opposite party No. 2, that he is willing to keep his wife with full dignity and honour in her matrimonial home.

Dr. Anjani Prasad Singh, learned counsel for the complainant/opposite party No. 2 submits that she is also ready to join the matrimonial home.

In view of the aforesaid submissions, it appears that there is no impediment in restitution of the matrimonial relationship between the spouses, *i.e.*, the petitioner and the complainant/opposite party No. 2.

Considering the aforesaid stand of the parties, the petitioner/Rajeev Kumar, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sheikhpura in connection with Complaint Case No. 369C of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, if the petitioner would not make any effort of bringing back his wife (complainant/opposite party No. 2) to her matrimonial home, it would be open for the complainant/opposite party No. 2 to approach the Court below for cancellation of bail of the petitioner.

While dealing with such a petition, the Court below shall try and find out as to whether the matrimonial relationship between the parties has been restituted and if not, whether it was for the unwillingness of the husband (petitioner) or the intransigence of the wife (complainant/opposite party



No. 2). In case, it is found that petitioner is not to be blamed, no adverse order shall be passed against him.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

