

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26018 of 2020

Arising Out of PS. Case No.-1645 Year-2015 Thana- COMPLAINT CASE District- Jamui

SURENDRA MISTRI Son of Laxman Mistry Resident of Village- Katawat,
P.S.- Sono, District- Jamui.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Shanti Devi Wife of Surendra Mistri, Daughter of Late Musho Mistry Resident of Village- Maheshwarfi, P.S.- Sono, District- Jamui, at present of Kaswturva Aawasiya Vidyalaya, at Sono, P.S. and P.O.- Sono, District- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-01-2021 Heard learned counsel for the petitioner and Mr. Rana Randhir Singh, learned APP for the State.

The petitioner in the present case is the husband of the complainant-O.P. No. 2. He is seeking pre-arrest bail in connection with Complaint Case No. 1645C/2015 registered for the offences punishable under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the marriage between the petitioner and O.P. No. 2 was solemnised about 14 years ago and they have got two daughters out of this wedlock. Learned counsel submits that in fact it is the opposite party no. 2 who has left the matrimonial home in the year 2015 and now she is not willing to live with the petitioner. The petitioner has filed an



application under Section 9 of the Hindu Marriage Act for restitution of his conjugal rights which is still pending.

It is further submitted that the opposite party no. 2 is presently working as a peon in the Kasturba School, Sono and because of change in her lifestyle, she is not willing to live with this petitioner. This Court had earlier issued notice to the complainant-O.P. No. 2. As per the Office report, notice has been validly served upon O.P. No. 2. Perusal of the service report at Flag 'A' shows that O.P. No. 2 has been served on 30.11.2020. She has, however, not chosen to enter appearance in this case.

Mr. Rana Randhir Singh, learned APP for the State is though present but this being a private complaint case, he does not have any material to oppose this application.

Having regard to the facts and circumstances of the case, this Court has noticed that the marriage between the parties had taken place about 14 years ago, this is a private complaint case in which the O.P. No. 2 has chosen not to enter appearance and is not opposing this application, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Complaint Case No. 1645C/2015 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 S.D.J.M., Jamui, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

