

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35521 of 2020**

Arising out of PS. Case No.-180 Year-2019 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

Arvind Kumar Bhagat, aged about 41 years (Male), Son of Basuki Prasad Bhagat Resident of Muhalla- Shankosai, Road No.1, Dimna Road Mango, Near Durga Mandir, P.S.- Ulidih Mango Jamshedpur, District- East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabha Kumari, aged about 33 years (Female), Wife of Arvind Kumar Bhagat Resident of Muhalla- Shankosai, Road No.1, Dimna Road, Mango near Durga Mandir, P.S.- Ulidih Mango, Jamshedpur, District- East Singhbhum (Jharkhand), at present residing at the house of her father Late Satyadeo Prasad, Muhalla- Hadi Bazar, Raxaul, P.O. and P.S.- Raxaul, District- East Champaran- 845345

... .. Opposite Party/s

**Appearance :**

|                              |   |                                        |
|------------------------------|---|----------------------------------------|
| For the Petitioner/s         | : | Mr. Binay Kant Mani Tripathi, Advocate |
| For the State                | : | Mr. Md. Arif, APP                      |
| For the opposite party no. 2 | : | Mr. Prateek Tandon, Advocate           |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 09-08-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Binay Kant Mani Tripathi, learned counsel for the petitioner; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Prateek Tandon, learned counsel for the opposite party no. 2-complainant.

3. The petitioner, who is husband of the complainant-opposite party no. 2, apprehends arrest in connection with Trial No. 2990 of 2020 arising out of Complaint Case No. 180 of 2019 dated 09.05.2019, instituted under Sections 323, 498-A, 374, 307



of the Indian Penal Code, 3/4 of the Dowry Prohibition Act, 1961 and 66-A of Information Technology Act, 2000.

4. On 21.06.2021, learned counsel for the petitioner had submitted that prior to the present case, he had filed Original Matrimonial Suit No. 194 of 2019 before the Principal Judge, Family Court, Jamshedpur, under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, in which the complainant had appeared and after mediation a settlement had been arrived and one of the terms is that the petitioner would bring the complainant and her two children and would keep them in the matrimonial home.

5. Having regard to such stand of the petitioner, the Court had directed for an exercise by which the petitioner was to go to the house of the opposite party no. 2 and take her to the matrimonial home at Jamshedpur for which an Assistant Sub-Inspector of Police was also to be deputed for ensuring that everything went well.

6. Today, learned counsel for the petitioner submitted that he has filed an affidavit in which it has been stated that the opposite party no. 2 and her two children had left her parents' house on 2nd August, 2021 and had reached the matrimonial home at Jamshedpur on 3rd August, 2021 and they are living there happily without any complain. The Court had also requested to



learned APP to inform the complainant about the order and also to ask her as to whether she wanted anything to be conveyed to the Court.

7. Learned APP submitted that he has talked to the opposite party no. 2 earlier and today morning also and she has stated that she is in the matrimonial home along with her children and there is no grievance, however, she has requested that the Court may safeguard her interest in future also.

8. Learned counsel for the opposite party no. 2 submitted that she along with her children has gone to the matrimonial home and presently things are fine. However, he also submitted that the Court may put conditions that she may be secured in future also.

9. Having regard to the aforesaid, as the parties have finally resumed their conjugal life and living in the matrimonial home along with their children, the Court is inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Raxaul at Motihari in Trial No. 2990 of 2020 arising out of



Complaint Case No. 180 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall give undertaking before the Court that the complainant and her children shall be kept in the matrimonial home with full dignity, honour and security and all their needs shall be taken care of and that the complainant shall be free to meet, talk to and visit any person she desires without any let or hindrance by the petitioner or his family members. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

11. It shall also be open for the prosecution and the complainant-opposite party no. 2/her guardians to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

12. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Vikash/-

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