

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7926 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- DULHIN BAZAR District- Patna

DHIRAJ KUMAR, SON OF SHIV DAYAL RAM, VILLAGE
BHARATPURA, POLICE STATION DULHIN BAZAR, DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prem Ranjan Kumar, Adv
For the Informant	:	Mr. Vibhuti Ranjan Sonvadra, Adv
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned senior counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Dulhin Bazar P.S. Case No. 87 of 2020 registered under Sections 341, 323,



188, 498A, 494, 495, 496, 504 and 506 of the IPC.

The allegation is that the husband (petitioner) has harassed the informant. He has allegedly remarried while the marriage with the informant is subsisting and on objection, has assaulted the informant.

Learned senior counsel for the petitioner submits that since 16.4.2020, nearly one and a half years, the petitioner has been in jail. The maximum sentence for the alleged offences levelled against him is three years. He submits that the informant along with her son is residing in his house. This fact is disputed by counsel for informant, who submits that she is being prevented from residing with the petitioner. However, the learned senior counsel submits that the petitioner is willing to allow the informant to reside with him. This Court is thus of the opinion that there is likelihood of an amicable settlement between the parties.

Considering the rival submissions as also the facts and circumstances of the case, this Court would direct that to facilitate amicable resolution between the parties, the petitioner would be released on provisional bail for a period of three months in connection with Dulhin Bazar P.S. Case No. 87 of 2020 to the satisfaction learned Additional Chief Judicial



Magistrate, Danapur, District- Patna, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

The Court below will review the situation after three months as regards any amicable resolution that may be struck between the parties, including allowing the informant to reside with the petitioner. If such a compromise is achieved the bail shall be confirmed. Otherwise, the Court below would be at liberty to pass appropriate orders in accordance with law, which may include cancellation of provisional bail granted to the petitioner.

(Madhuresh Prasad, J)

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