

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47936 of 2022**

Arising Out of PS. Case No.-238 Year-2021 Thana- RASULPUR District- Saran

Dipak @ Dipak Kumar Rai @ Deepak Kumar Rai Son of Rampukar Rai @ SriRam Pukar Yadav Resident of Village - Mdisalapur @ Madishlapur, P.S.- Aandar, Distt.- Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinku Devi W/o Dipak Kumar Rai @ Deepak Kumar Rai Resident of Village - Mdisalapur @ Madishlapur, P.S.- Aandar, Distt.- Siwan. and D/o Guddu Yadav Resident of Village -- Banshi Chapra, P.S.- Rasulpur, Distt.- Saran at Chapra, Pin code - 841419

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Navin Vilochan Tiwary, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rasulpur P.S. Case No. 238/2021 registered for the offences punishable under Section 341, 342, 323, 380, 504, 506, 307, 377, 498A, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He is in custody since 06.07.2022 having no criminal antecedent.



As per the prosecution story, the informant has alleged that she got married with this petitioner on 17.05.2020, thereafter her husband and others were demanding golden chain and on non-fulfillment she was tortured. It is further alleged that the informant was ousted from her matrimonial house after snatching her valuables but after interference of panchas, she was taken to her matrimonial home. It is further alleged that petitioner forcibly started committing unnatural sex and tried to kill her.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that both the parties are ready to live together and for this purpose both the parties are looking for initiation of a mediation proceeding in the learned court below. Learned counsel undertakes on instruction that after his release from jail, the petitioner shall go to the place of informant and shall bring back.

Learned counsel for the informant submits that informant is also ready to live together.

Mr. Akhileshwar Dayal, learned APP for the State is present.

Having regard to the submissions made on behalf of



the petitioner that the petitioner and informant both of them are ready to live together and for this purpose both the parties are looking for initiation of a mediation proceeding in the learned court below and at this stage learned counsel for the petitioner undertakes on instruction that after his release from jail, the petitioner shall go to the place of the informant and shall bring back his wife to his matrimonial home with full dignity and care within a period of one month from the date of his release, this Court directs release of the petitioner on **provisional bail** for a period of two months from the date of his release on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Arpita, learned Judicial Magistrate – Saran at Chapra, in connection with Rasulpur P.S. Case No. 238/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.



Further condition that as per his undertaking within one month after his release he will bring back his wife to his matrimonial home, petitioner shall keep his wife with full dignity and care. After two months both the parties shall appear in the learned court below and upon satisfying with the conduct of the petitioner the learned court below shall confirm bail bond of the petitioner. Learned counsel for the informant-wife has undertaken that she will definitely accompany her husband. This Court expects that she will cooperate with her husband in living together.

This application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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