

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62694 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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AMIT KUMAR @ AMARJI Son of Suresh Mandal Resident of Kishan
Nagar, Phulkia, P.S. - Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nisha Kumari Daughter of Sudhir Mandal Resident of Village Madhuban
Tintanga, P.S. - Bihariganj, District - Madhepura, At present D/o- Sudhir
Mandal Resident of - Lodipur, P.O. - Khairpur, Ward No. -10, P.S. - Kharik,
Dist. - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar
For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks anticipatory bail in complaint case in

which cognizance has been taken under Sections 498A and other

allied sections of the Indian Penal Code and sections 3/ 4 of the

Dowry Prohibition Act.

Allegedly, complainant was physically and mentally

tortured by the petitioner and his family members for demand of

motorcycle.

The main submissions advanced by the learned counsel



for the petitioner are that on last date at the request of the petitioner, notices were sent to petitioner's wife (opposite party no.2) for conciliation. Thereafter conciliation process started in between petitioner and his wife at their own level and now dispute in between them has been sorted out and presently they have started living together and they are peacefully leading conjugal life since 21.6.2022 and in this regard petitioner has filed supplementary affidavit. Further submission is that present case is based on the complaint and other co-accused persons have been granted anticipatory bail by the court below.

Learned APP appearing for the State submits that development having taken place between the petitioner and his wife, conduct of the petitioner should be under watch for sometime, if he is considered for the relief of anticipatory bail.

Having considered, new development in between the petitioner and his wife as appears from the supplementary affidavit which shows conjugal relationship having restored in between them, in my view, a lenient approach may be taken in respect of the petitioner. In the event of arrest/surrender within four weeks from today, the petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Naugahciya, Bhagalpur in Complaint Case No. 17 of 2021 subject to condition under section 438(2) Cr. P.C and further on this condition



that in the next six months if any complaint with regard to behaviour of the petitioner is raised by his wife before the court below then after proper inquiry into such matter, learned court below will have a liberty to take necessary steps against the petitioner for cancellation of his bail granted to the petitioner, if substance is found in such complaint.

(Shailendra Singh, J)

s.hassan/-

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