

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5309 of 2020

Arising Out of PS. Case No.-42 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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AJIT KUMAR, Son of Rama Nand Singh, Resident of Village - Maranchi
Charbhaiya Tola, P.S.- Maranchi., Distt.- Patna. At present resident of Village
- Rampur (Purvari Tola), P.S.- Suryagarha, Distt.- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Rupam Kumari, D/o Rama Shankar Kumar, Resident of Village and P.S.-
Hathidagh, Distt.- Patna, W/o Ajit Kumar Village - Rampur (Purbari Tola),
P.S.- Suryagaraha, Distt.- Lakhisarai.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-06-2022 Heard learned counsel for petitioner and Mr. Md.
Fahimuddin for the State.

Petitioner in the present case is seeking privilege of pre-arrest bail in connection with Complaint Case No. 42(C) of 2018 pending in the court of learned Sub-Divisional Judicial Magistrate, Barh.

Learned counsel for the petitioner submits that vide order dated 29.06.2018 learned Magistrate has taken cognizance for the offence under Section 498A of the Indian Penal Code and issued summons against the petitioner.

Learned counsel submits that the marriage between the parties was solemnized in the year 2012. At later stage a matrimonial



discord took place and the allegation of demand of dowry has been made against the petitioner.

It is submitted that both the parties have got two children out of their wedlock and at this stage both of them are living peacefully in their matrimonial home in village Rampur district-Lakhisarai.

Earlier this Court vide order dated 18.05.2022 while taking note of the submission of learned counsel for the petitioner that opposite party no. 2 and the petitioner are living peacefully together directed for their presence in Chambers.

Today, both the parties are present in Chambers. This Court has interacted with them. The opposite party no. 2 who has been identified by learned counsel for the petitioner has stated that earlier her husband was not earning so there had been some matrimonial discord but now they are living peacefully and she has got no complaint with the petitioner at this stage. Opposite party no. 2 has thus confirmed that she has resolved the dispute amicably and living together with the petitioner.

Md. Mrityunjay Kumar Nirala, learned APP for the State has been assigned this brief but he has not appeared in this case. On the request Mr. Md. Fahimuddin, learned APP for the State has entered appearance and assisted this Court. It is submitted that in view of the fact that both the parties are living together he would not oppose the prayer for anticipatory bail of the petitioner.



Having regard to the submissions noted hereinabove and the fact that both the parties are living together and are peacefully living their matrimonial life, this Court directs that the petitioner above named in case of his arrest or surrender within a period of four weeks from today be enlarged 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., Barh, Patna in connection with Complaint Case No. 42(C) of 2018, subject to the condition as laid down under Section 438(2) Cr.P.C.

And further condition that the petitioner shall keep his wife (opposite party no. 2) with full dignity and care. In case of any complaint against him in future, it will be open for opposite party no. 2 to file an appropriate application seeking cancellation of bail of the petitioner.

This application stands disposed of accordingly.

(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'.

