

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5841 of 2022

Arising Out of PS. Case No.-186 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Kamendra Sah, Son Of Nandu Sah, R/O Village- Derwa, P.S.- Gopalpur,
District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi Daughter Of Sudeni Sah And Wife Of Kamendra Sah At Present- Birwat Bazar, P.S.- Uchka Gav, District- Gopalganj And Also Village- Derwa, P.S.- Gopalpur, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. R.C.P Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 03-04-2023 Heard Mr. R.C.P. Singh, learned Counsel

appearing on behalf of the petitioner and Mr. Ram Bilash
Roy Raman, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Trail No. 2452 of 2021 arising out of Complaint Case No. 186 of 2020 for the offence punishable under Sections 323 and 498A of the Indian Penal Code.

3. The Opposite Party No.2 out of strained relationship with her husband has alleged in the complaint petition that she has been subjected to torture both mentally and physically by the petitioner.

4. Learned Counsel appearing on behalf of the



petitioner informs this Court that mediation has failed, however, the petitioner is ready to keep Opposite Party No. 2 with full dignity and honour and will fulfill her all physical as well as financial desires/needs and he will also take care of thier only girl child.

5. Learned Counsel appearing on behalf of the Opposite Party No. 2 informs that the petitioner has a paramour and such illicit relationship has ruined the married life. The Opposite Party No. 2 has no objection to live along with the petitioner, if he stops relationship with another woman and pay full attention to her and her only girl child.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and supported the cause of O.P. No.2.

7. This Court finds that strained relationship between the couple, is due to the fact that the petitioner has extra marital relationship with a lady to which (Opposite Party No.2) has objection.

8. However, considering the nature of allegation made against the petitioner and the willingness of the petitioner and O.P. No.2 who is ready to lead conjugal life



happily and supported by the statement been made in paragraph no.9 of the bail application that the petitioner is ready to keep the O.P. No.2 with full dignity and honour and he will not torture her in future. This Court finds that petitioner has made out a, prima facie, case to be released on pre-arrest bail.

9. The Court below is directed to release the petitioner above named provisionally on pre-arrest bail. The Court below is further directed to monitor the well being of the petitioner and O.P. No.2 from time to time for a period of one year and should also strive to reconcile the matrimonial dispute between the husband and the wife and if it is found that no complaint is made by the either parties during the aforesaid period, the provisional bail granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C. In case any of the condition, which has been imposed is violated by the petitioner, this order will lose its force automatically.

10. The Court below is directed to verify the



criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

11. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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