

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40241 of 2022

Arising Out of PS. Case No.-707 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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KUNAL KISHOR, Son of Late Singheshwar Yadav Resident of Village -
Naya Tola , Ward No.34, P.s.- Katihar, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepali W/o Kunal Kishor, D/o Jay Ram Resident of Village - Professor
Colony, Rambag, Road No.02, P.s.- Purnia Sadar, Distt.- Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar, Advocate
For the Opposite Party/s	:	Mr.Pushpa Sinha, APP
For the complainant	:	Mr. Vivekanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 23-03-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. 707 of 2021 registered for the
offences punishable under Sections 498(A), 323 of the Indian
Penal Code.

Prosecution story in brief is that the complaint was
filed during the pick of pandemic period on 28.07.2021 by
Opposite Party No.2 alleging that the petitioner has demanded
Rs. 10 lakhs and has also to O.P. No.2 force her fathers who is a
Circle Officer to transfer Rs. 2 lakhs in the name of the father of
the petitioner.



Learned counsel appearing on behalf of the petitioner submits that in fact the real cause of filing of the complaint petition is that the informant comes from very rich family and her life style is very expensive which the petitioner could not fulfill and met her demand of her luxurious life style and the said resulted into strained relationship that apart during the pandemic period both the parties are separately living. The petitioner is working at Malda Katihar in the State of Bihar. The petitioner has made specific statement in paragraph No.17 that he is ready to live along with Opposite Party No.2 and he will respect his wife and keep her with full dignity and honour and in case she is ready to live along with petitioner.

The matter was referred to the Mediation centre of this Court, however, the Mediation failed and at this stage learned counsel appearing on behalf of Opposite Party No.2 informed this Court that O.P. is ready to live with petitioner and she will not demand any luxurious life. Learned counsel further submits that Opposite Party No.2 is ready to sustain her own requirement and will forbid demanding anything beyond the reach of the petitioner to lead a happy married life.

Considering the rival submissions made by the parties and the fact that the petitioner is ready to lead a happy



matrimonial life, it would be proper to direct the petitioner to seek protection from the Senior Superintendent of Police, Purnea who will provide him proper protection to enable him to visit his matrimonial home where his wife (opposite party no.2) resides along with her parents. The police official deputed along with the petitioner must ensure that the parents of the opposite party no.2 don't cause any hindrance in allowing her daughter who is wife of the petitioner to accompany the petitioner so that they can lead a happy matrimonial life without any interference of the parents of the either side.

The petitioner at this stage has submitted that petitioner is ready to keep his wife Opposite Party No.2 in separate accommodation. The Superintendent of Police, Purnea, must ensure the place of temporary stay of the husband of the O.P.No.2 and ensure none of family members interfere between the couple, he is further directed to depute a female police officer not below the rank of the Dy. S.P. to hold a meeting with the couple two weeks and if the couple are ready to live together without any complaint, such report must be furnished along with joint affidavit of the parties before the Sub-Divisional Judicial Magistrate, Purnea who will grant provisional bail to the petitioner and thereafter he is required to see the conduct of the



either parties for a period of one year and in case of any minor differences should also strive to reconcile the matrimonial dispute between the husband and the wife, in case he 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.

Let a copy of this order be communicated to the Senior Superintendent of Police, Purnea.

If the father of the O.P. No.2 intervened in any manner, the Superintendent of Police, Purnea must take strict legal action against him by filing appropriate criminal case.

With the aforesaid observation and direction, the bail application stands disposed of.

(Purnendu Singh, J)

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