

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41261 of 2022

Arising Out of PS. Case No.-475 Year-2021 Thana- GHOSI District- Jehanabad

Bablu Kumar, (Male), aged about 28 years, Son of Sunil Prasad, Resident of village - Kurua, P.S.- Ghoshi (Okari O.P.), District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumari, (Female), aged about 25 years, Wife of Bablu Kumar Resident of village - Kurua, P.S.- Ghoshi (Okari O.P.), District - Jehanabad. Present residing at - Shobha Kumari, S/o Chotu Yadav, Resident of village - Kanhu Pipar, P.S.- Hilsa, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Singh, Advocate
For the State	:	Mr. Madan Kumar, A.P.P.
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-04-2023 Heard Mr. Amrendra Kumar Singh, learned Counsel appearing on behalf of the petitioner; Mr. Manoj Kumar, learned counsel appearing on behalf of the informant and Mr. Madan Kumar, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Ghoshi (Okari O.P.) P.S. Case No. 475 of 2021 dated 04.11.2021 for the offence punishable under Sections 341, 323, 394 and 498(A)/34 of the Indian Penal Code.

3. The informant out of the strained relationship allegedly was compelled to lodge a complaint case against the petitioner and other family members.



4. Vide order dated 09.01.2023, the matter was sent before the Mediation Centre for reconciliation between the parties but the mediation has failed. A report of learned mediator is on record.

5. Learned counsel appearing on behalf of the petitioner informs this Court that petitioner is ready to keep the opposite party no. 2, who is his legally wedded wife, with full dignity and honour and he will fulfill all the physical as well as financial requirement of the opposite party no. 2. However, he has raised an apprehension that the petitioner was threatened by his in-laws and some protection be granted to him.

6. Learned counsel appearing on behalf of the opposite party no. 2 informs this Court that the opposite party no. 2 is ready to live along with the petitioner but with a condition that she will not live with the second wife of the petitioner in her matrimonial house.

7. At this stage, learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has instructed him that he is not having illicit relationship with any lady/ accused no. 4 and in future he will not indulge in any illicit relationship with any lady. He further informs that petitioner is ready to file an affidavit to the extent he has given instruction



to the learned counsel.

8. Considering the nature of allegation made in the complaint, the strained relationship of the couple is due to the fact that petitioner fell in illicit relationship with some other lady/ accused no. 4, which is being objected by opposite party no. 2. The petitioner is ready to break any relationship with any lady, which is being objected by the opposite party no. 2. In absence of any evidence to the effect that petitioner has performed second marriage without divorce having been brought on record by opposite party no. 2 or by the petitioner, the factum of marriage with any other lady/ accused no. 4 with the petitioner cannot be dealt with in the present bail application.

9. However, considering the fact that petitioner is ready to keep the opposite party no. 2 with full dignity and honour and has also instructed his counsel that he will file an affidavit to the extent that he has not married to any lady nor he has obtained any divorce decree, this Court finds that the petitioner be released provisionally on pre-arrest bail so that he can lead a happy conjugal life subject to the condition that either party should not resort to any illegal act.

10. If such affidavit is filed, the petitioner is directed



to be released provisionally on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi (Okari O.P.) P.S. Case No. 475 of 2021, on any terms and conditions as fixed by the Court below.

11. If no complain is found to be made by either parties for one year, the provisional bail granted to the petitioner shall be made absolute subject to the terms and conditions as laid down under Section 438(2) of the Cr.P.C. and further any condition fixed by the Court below.

12. In case, the opposite party no. 2 makes any complain against the petitioner, this order shall automatically loose its force.

13. The Superintendent of Police concerned is directed to give protection to the petitioner as well as opposite party no. 2 so that their family member may not become hindrance in restarting of the matrimonial life of the couple.

14. Both the parties approach before the Superintendent of Police concerned along with a copy of this



order.

15. Accordingly, the present bail application is
disposed of.

(Purnendu Singh, J)

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