

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44561 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Sunil Kumar Singh, Son of Vindyachal Singh Resident of Mohalla - Ram
Nagri, Sector-3, Ashiana Digha Road, P.S.- Rajeev Nagar, District - Patna.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanyukta Singh @ Juli Singh Wife of Sunil Kumar Singh and Daughter of
Mukesh Singh Resident of Village Sonversha, P.S.- Obra, District -
Aurangabad, At present residing in Back of Hotel Mrignaini, C/o
Sachidanand Singh, Post- Aurangabad, P.S.- Aurangabad, District -
Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhanu Pratap Singh, Advocate
For the informant	:	Mr. Dilip Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2023 Heard Mr. Bhanu Pratap Singh, learned counsel

appearing on behalf of the petitioner, Mr. Dilip Kumar Sinha,

learned counsel appearing on behalf of the informant and Mr.

Jagdhar Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 163 of 2021 for the offence
punishable under Sections 323, 341, 498(A), 120B, 494/34 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

3. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is suffering from



schizophrenia for which he is taking regular medicine. He further submitted that petitioner is unable to lead normal life reason being bad behaviour of O.P. No.2 leading to depression and which compelled him to file a divorce case. He, however, submitted that he is willing to withdraw the divorce case if the O.P. No.2 willingly return back and lead normal life.

4. Mr. Dilip Kumar Sinha, learned counsel appearing on behalf of informant/O.P. No.2 vehemently opposed the allegation made against her and submitted that same is contrary to the record. The medical report/prescription have been obtained from private hospital where he has been detected schizophrenia. The petitioner without disclosing that he is schizophrenic had married with O.P. No.2 and is leading his normal life by regularly taking medicine. The O.P. No.2 is ready to live along with the petitioner and will sincerely look after the petitioner subject to condition that she is not ready to live together with his paramour as same is not expected of a married man, who has entered into pious relationship with her.

5. Learned APP for the State submitted that the matter relates to matrimonial dispute between the husband and the wife. The petitioner has agreed to live along with his wife. If the petitioner provides the O.P No.2 all physical and economical



need, considering the nature of allegation made against the petitioner, it would be proper that the petitioner be directed to approach his wife for leading a happy matrimonial life.

6. This Court finds that the petitioner has made statements in paragraph Nos. 15 and 16 to the effect that the O.P. No.2 on her own will has refused to return back to her matrimonial house. The petitioner by way of Annexure-3 has brought on record medical prescription, certificate of the Doctor declaring that he has been diagnosed schizophrenic and he is undergoing treatment at Deva Mental Health Care, Varanasi. The petitioner has admitted that he is under regular treatment and he is taking regular medicine and this Court finds that as on date it has been reported that the patient who are suffering from schizophrenia on taking regular medicine are leading normal life. Considering the willingness of the parties, who are having strained relationship can be considered only because of some erratic behaviour of the petitioner. The O.P. No.2 has willingly agreed to lead a happy conjugal life with the petitioner and is also ready to take care of petitioner. Petitioner has also desired to live with O.P. No. 2 with a condition she keep good behaviour with him.

7. Considering the rival submissions made by the



parties, it would be proper to direct the petitioner who has already been granted interim relief vide order dated 13.12.2022 to seek protection from the Superintendent of Police, Aurangabad, who will provide him proper protection to enable him to visit his wife O.P. No.2 who is living with her parents. The Superintendent of Police, Aurangabad is further directed to depute a female police officer not below the rank of the Dy. S.P. to hold a meeting with the husband and wife within two weeks and try to resolve the dispute at her own level and submit a report giving her suggestion so that couple may lead happy marriage life before the Addl. Chief Judicial Magistrate- III, Aurangabad, who will grant provisional bail to the petitioner. The court below is further directed to observe the conduct of the either parties from time to time for a period of one year and must 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 loose its



force automatically.

(Purnendu Singh, J)

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