

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47367 of 2023

Arising Out of PS. Case No.-84 Year-2022 Thana- MAHILA P.S. District- Saran

Santosh Kumar S/O Late Raj Kumar Rai R/O Mohalla- Gandhi Nagar Colony, Hari Om Nagar, P.S- Rajiv Nagar, near Patliputra Railway Station at and District- Patna at present residing at Flat No. 104, 2nd Floor, Block-D, 157/9, Sky Build Tech Apartment, Opp. Ambiance Tower, Vasant Kunj, New Delhi.

... .. Petitioner

Versus

1. The State of Bihar
2. Sandhya Rai D/O Sri SANjay Kumar Rai R/O Village- Muhammadpur, P.S- Garkha, Distt.- Saran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Alok Kumar Sinha, Sr. Advocate Mr. Bhola Kumar, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the O.P. No. 2	:	Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mahila P.S. Case No. 84 of 2022 registered for the offences punishable under Sections 498A, 307, 467, 468, 469, 328, 504, 506, 120(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. Learned senior counsel for the petitioner submits that the marriage between the petitioner and O.P. No. 2 was solemnised on 01.12.2021. It is his submission that even though a matrimonial discord has taken place under some misconception and misunderstanding, the petitioner is ready to restore the matrimonial



life with the O.P. No. 2 and he would undertake to keep O.P. No. 2 with full dignity and care. It is submitted that the petitioner has in fact filed an application under Section 9 of the Hindu Marriage Act in the Patiala House Court, New Delhi for restoration of his conjugal rights but it is the O.P. No. 2 who is not interested in living with the petitioner.

4. Learned counsel for the informant has opposed this application. It is submitted that the informant has been tortured on account of non-fulfillment of the demand of dowry. Learned counsel, however, submits that it is always in the interest of the parties if they restore their conjugal life and for that purpose, he would be in favour of going for reconciliation/mediation process in the centre attached to the learned District Court. The informant is presently residing in her *maika* at Chapra in her village-Garkha under the judgeship of Chapra.

5. Having regard to the kind of submissions advanced before this Court and the willingness of the parties to restore their conjugal life, this Court grants **provisional anticipatory bail to the petitioner above named for a period of six months from today** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Chapra (Saran) in connection with Mahilla P.S. Case No. 84 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



6. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. And further condition that the petitioner will visit the residence of the parents of the informant within a period of four weeks from today and shall bring his wife (O.P. No. 2) to his matrimonial home where he is presently posted and shall keep her with full dignity and care.

8. The learned court shall look into the conduct of the petitioner within the aforementioned period of six months and on being satisfied with the same, the bail bond of the petitioner shall be confirmed. The learned court shall also take note of the conduct of the informant, if any, brought to the notice of the court.

9. Let it be recorded that this order has been passed with the consent of the parties.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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