

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50731 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- BIKRAM District- Patna

Sonu Kumar S/o Masudan Pandit R/o village- Danara, P.S.- Bikram, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Kanchan Kumari W/o Sonu Kumar R/o village- Danara, P.S.- Bikram, Distt- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner duly assisted by Mrs. Vaishnavi Singh, learned counsel and Mr. Shyam Bihari Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Bikram P.S. Case No. 206 of 2022 registered for the offences punishable under Sections 341, 323, 504, 498A and 307/34 of the Indian Penal Code and Section 3/4 of DP Act.

Allegedly the marriage of the petitioner was



solemnized with opposite party no. 2 in the year 2018, however, soon after the marriage, she was subjected to torture and demand of dowry was made. On protest being made, she was ousted from the house which resulted into lodging of Complaint Case No. 1349(C) of 2018. In the said complaint case, on an undertaking given by the petitioner, the opposite party no. 2 started living with the petitioner, however, again dispute cropped up with the allegation that this petitioner again indulged in torturing and assaulting the opposite party no.2 in various ways giving rise to the present FIR.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was no marriage between the informant and the petitioner as per the Hindu rituals and due to that mother of the petitioner had already filed an informatory petition before the Chief Judicial Magistrate that it was a forceful marriage without the petitioner's consent and, thereafter, finally the petitioner filed a divorce suit before the court of learned Principal Judge, Family Court bearing Matrimonial (Divorce) Case No. 1047 of 2019 under Section 13 of the Hindu Marriage Act, wherein notice was issued way back in the year 2020 itself. He next submits that the present case is nothing but only with a view to pressurize the petitioner to settle



the matter, however, there is no chance of any settlement as per the instruction of the petitioner. He also submits that the petitioner has remained in custody for almost a period of seven months and has already sufficiently punished. He also drawn the attention of this Court to the earlier order, whereby the petitioner has been allowed provisional bail vide order dated 09.12.2022.

Learned counsel for the opposite party no.2 entered his appearance and vehemently submits that the petitioner is a constable in the police department and, apart from the allegation of torture and demand of dowry, there are other serious allegations including the allegation that he has attempted to kill the opposite party no.2. However, he lastly submits that still there is a chance of settlement between the parties and the matter may be sent to the mediation centre.

At this stage, Mr. Thakur, learned counsel for the petitioner submits that since the matter is pending before the Family Court and, as soon the opposite party entered her appearance, if there would be any chance of settlement, the same would be finalized before the Family Court itself.

In view thereof, the provisional bail granted to the petitioner vide order dated 09.12.2022 is hereby confirmed.



Accordingly, the present application stands allowed.

Both the parties are directed to appear before the
Family Court in Matrimonial (Divorce) Case No. 1047 of 2019
and try to settle the matter amicably.

(Harish Kumar, J)

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