

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16381 of 2023

Arising Out of PS. Case No.-1303 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

HARISHANKAR SINGH S/o Rajkishore Singh R/o Mohalla Chuna Bhatti
near Durga Mandir Naka no. 8, P.S.- L.N.M.U., Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saraswati Devi D/o Dilip Das, W/o Harishankar Singh R/o Mohalla-
Jitwarpur Nijamat, Ward no. 11, Ataran Chowk, P.S.- Muffasil, Distt-
Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ugranath Mallik
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur
For the O.P. No. 2	:	Mr. Anant Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-06-2024 1. Heard learned counsel for the petitioner and

learned APP for the State along with learned counsel
appearing on behalf of the complainant.

2. The learned counsel for the petitioner, at the
outset, submits that petitioner, being husband, has been
falsely implicated in the instant case by the complainant. It
is next submitted that petitioner is always ready and willing
to restitute his conjugal rights. It is also submitted that
petitioner will go to the parental home of the O.P. No. 2 on
01.07.2024 to fetch her back to her matrimonial home.

3. The learned counsel appearing on behalf of the
O.P. No. 2 submits that even O.P. No. 2 is willing to



restitute her conjugal rights, it is next submitted that if the petitioner comes to fetch the O.P. No. 2 back to her matrimonial home, she will accompany him willingly.

4. The learned counsel for the petitioner, at this stage, submits that O.P. No. 2 was married to a different person earlier and after his death, the petitioner, knowing the said fact, married her and even took the responsibility of two children from her first marriage which amply demonstrates that petitioner is more than interested in reviving his conjugal relationship.

5. Considering the submissions made by the learned counsels for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1303 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the



petitioner breaches the undertaking given to this Court, in that event the O.P. No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner.

(Satyavrat Verma, J)

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