

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42446 of 2024

Arising Out of PS. Case No.-776 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rajnish Kumar, aged about 24 years, Gender- male, son of Ramnandan Mandal, resident of Village- Fatehpur, P.S.- Rosera, Dist.- Samastipur
... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manisha Kumari, W/O Rajnish Kumar, D/O Late Ram Shankar Sinha, R/O Village- Fatehpur, P.S.- Rosera, Dist.- Samastipur, at present residing at Village- Dubeypur, P.S.- Hathauri, Dist.- Samastipur
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shishir Kumar Shishir, Advocate Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Bishweshwar Ram, APP
For the OP NO.2	:	Dr. Om Prakash Om, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the opposite party no.2, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Complaint Case No.776 of 2022 dated 15.10.2022, instituted under Section 498-A of the Indian Penal Code.

3. The allegation against the petitioner is that he solemnized marriage with opposite party no.2 and after marriage he started torturing her on the pretext that he has performed marriage due to family pressure. On the alleged date of occurrence, the complainant was asked by the accused



persons to leave the house and when she refused to do so, they poured kerosene oil on her body with intention to kill her.

4. Learned counsel for the petitioner submits that the petitioner is the husband of the opposite party no. 2 and he is ready to keep with with full dignity and honour.

5. Learned counsel for the opposite party no.2 submits that the opposite party no. 2 is also ready to live with him provided she is kept with full dignity and honour.

6. Learned APP submits that the court may pass appropriate in view of the fact that the parties are ready to live together.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Rosera, Samastipur, in Complaint Case No.776 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further that on the next date fixed in the Court below both the parties will appear before the Court below and the petitioner will take



the opposite party no. 2 with him for her matrimonial home from the Court below itself and thereafter both shall live together. The Court below shall monitor the relationship between the parties by calling them physically in Court every month for the next six months. If the Court below finds that the opposite party no.2 is living peacefully with the petitioner and she has no grievance against the petitioner, at all, his provisional bail shall be confirmed, otherwise, the court below will pass appropriate order including cancellation of bail of the petitioner.

8. It is expected that opposite party no.2 will also co-operate with the petitioner in restoring normal relationship between them.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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