

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51886 of 2024**

**In**  
**CRIMINAL MISCELLANEOUS No.59704 of 2023**

Arising Out of PS. Case No.-293 Year-2021 Thana- PATNA COMPLAINT CASE District-  
Patna

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RAVI SHANKAR SAO SON OF ASHOK PRASAD RESIDENT OF  
VILLAGE - HASAN CHAK, P.S. - BARH, DISTRICT - PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. REKHA DEVI WIFE OF RAVI SHANKAR SAO RESIDENT OF  
VILLAGE - HASAN CHAK, P.S. - BARH, DISTRICT - PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Advocate.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      06-09-2024                      Heard Mr. Anuj Kumar, learned counsel appearing  
  
on behalf of the petitioner and Dr. Mrityunjaya Kumar Gautam,  
  
learned APP for the State.

2. The petitioner, in paragraph no.1 of the present  
  
modification application, has sought for, *inter alia*, following  
  
relief, which is reproduced hereinafter:

*“That this is an application filed on  
behalf of petitioner for modification of order dated  
29.02.2024 passed in Cr. Misc. No. 59704/2023 by  
Hon’ble Mr. Justice Purnendu Singh to the extent to  
extend the period of surrender and to modify the  
condition as mentioned in paragraph no.5 of the  
aforesaid order by reducing the sum of amount as  
directed by the Hon’ble court.”*

3. The petitioner seeks modification of Paragraph



No.5 of the order dated 29.02.2024 passed in Cr. Misc. No. 59704 of 2023, which is the submission made on behalf of the respective parties who are husband and wife.

4. This Court has passed, *inter alia*, following directions in Paragraph Nos. 7 to 11 of the order dated 29.02.2024 passed in Cr. Misc. No. 59704 of 2023, which are reproduced hereinafter:

*“7. The question which arises in the present bail application is, when the parties have shown their willingness that they want to resolve their marital dispute and lead a happy conjugal life, whether at an interlocutory stage, can pre-arrest bail be granted? This Court, considering the law laid by the Apex Court in the case of **K. Srinivas Rao vs. D.A. Deepa**, (2013) 5 SSC 226, has passed a detailed order in the case of **Vipin Kumar Versus the State of Bihar & Anr.** (Cr. Misc. No.9176 of 2024), vide order dated 20.02.2024, granting anticipatory bail on the similar facts, where the parties have shown their willingness to live together.*

*8. Considering the rival submissions made on behalf of the parties, the allegation made in the complaint, totality of the circumstances and the fact reveals that a general and omnibus allegation has been made against the petitioner and applying the observations made in **Vipin Kumar (Supra)**, particularly considering that the parties are willing to settle their dispute amicably and the petitioner has no criminal antecedent and custodial interrogation is not necessary, I am of the opinion that the petitioner has made out a prima facie case to be released on anticipatory bail.*

*9. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned J.M. 1<sup>st</sup> Class, Barh in connection with Complaint Case No. 293 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.*

*10. In case of failure to live together, the parties may take steps to resolve their matrimonial dispute in an amicable manner. If required, they may file an application before the learned District Court, for referring the matter to*



*the concerned District Mediation Center.  
11. With the above observation/direction, the present bail application stands disposed of.”*

5. I don’t find that any condition has been imposed by this Court more than what is contained in Section 438(2) Cr.P.C.

6. However, it is made clear that this Court had already granted pre-arrest bail to the petitioner and today it has been informed on behalf of the petitioner that the petitioner seeks to surrender before the District Court on or before 11.09.2024.

7. The order dated 29.02.2024 passed in Cr. Misc. No. 59704 of 2023 is modified to the aforesaid extent only.

8. The modification Application, accordingly, stands disposed of.

**(Purnendu Singh, J)**

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