

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23732 of 2024

In
CRIMINAL MISCELLANEOUS No.39792 of 2023

Arising Out of PS. Case No.-970 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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CHANDRA SHEKHAR @ CHANDRA SHEKHAR MADNDAL S/O
AMRENDRA MANDAL @ AMRENDRA KUMAR DAS RESIDENT OF
VILLAGE- RADHANAGAR, GARHBANAILI, POLICE STATION-
KASBA, DISTRICT- PURNEA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PUJA KUMARI W/O CHANDRA SHEKHAR @ CHANDRA SHEKHAR
MANDAL, D/O LATE GOPAL MANDAL R/O MOHALLA- ANAND
NAGAR, NAYA TOLA, KHUSHKIBAG, P.S- SADAR, DISTT.- PURNEA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-07-2024 Heard Mr. Bipin Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Harendra Prasad, learned

App for the State.

2. The present application has been filed for
modification of the order dated 28.07.2023 passed in Cr. Misc.
No.39792 of 2023, whereby petitioner was allowed anticipatory
bail. One of the conditions therein was that petitioner will file a
joint petition duly sworn by him and his wife before the District
Court stating therein that they will live together within a period
of six weeks and in that he case, the petitioner was directed to
be released on bail.



3. Learned counsel appearing on behalf of the petitioner informs that the petitioner has failed to file a joint affidavit because of non-cooperation of opposite party no.2, who is his legally wedded wife and due to strained matrimonial relationship, petitioner has been made accused by her mainly under Section 498(A) and 494 of the Indian Penal Code and Section 4 of Dowry Prohibition Act. Learned counsel as a result of non-compliance of the order by the O.P. No.2 has sought modification of the order for release the petitioner on any other condition.

4. Considering the aforesaid submission, as well as, the fact that this Court had directed to file a joint affidavit which was agreed by both the parties, however, now it is being informed on behalf of the petitioner that opposite party no.2 is not willing to file joint affidavit and faced with the said circumstances, the petitioner has not been able to surrender before the District Court in terms of order dated 28.07.2023 passed in Cr. Misc. No.39792 of 2023, leading to the present modification application, the petitioner, who is husband of O.P. No.2, is directed to surrender before the court below by filing an affidavit within one week to the extent as what has been recorded in this order on behalf of petitioner and the court



below is directed to accept the bail bond of the petitioner. The District Court, if so desire, may also summon the O.P. No.2 and seek counter affidavit from her, considering the fact that court should not refrain from giving opportunity to the husband and wife to reconcile their matrimonial relationship amicably.

5.The order dated 28.07.2023 passed in Cr. Misc. No.39792 of 2023 is modified to the aforesaid extent only. Rest parts of the order shall remain intact.

6. The modification petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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