

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38222 of 2024

In
CRIMINAL MISCELLANEOUS No.54594 of 2023

Arising Out of PS. Case No.-2942 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Abodh Singh Son Of Mahesh Singh @ Mahesh Bhagat Resident Of Village -
Cheharakala, P.S. - Goraul (O.P. Katahara), District - Vaishali

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Rinku Devi Daughter Of Ram Chandra Bhagat Resident Of Village -
Sherpur Jalal, P.S. - Goraul, District - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-07-2024 Heard Mr. Hemant Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Dr. Indihar
Kumari, learned App for the State.

2. The present application has been filed for
modification of the order dated 23.08.2023 passed in Cr. Misc.
No.54594 of 2023, whereby petitioner was allowed anticipatory
bail. One of the conditions therein was that the parties were
required to file a joint affidavit before the District Court, stating
therein that they will live together, within a period of four weeks
and in that 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) of the Indian Penal Code and Section 3/4 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 and his release on any other condition.

4. Considering the aforesaid submission, as well as, the fact that this Court vide order dated 23.08.2023 passed in Cr. Misc. No.54594 of 2023, had directed to file a joint affidavit, which was agreed by both the parties in open Court, 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 23.08.2023 passed in Cr. Misc. No.54594 of 2023, leading to the present modification application. On above grounds, the petitioner, who is husband of opposite party no.2, is directed to surrender before the District Court, by filing an affidavit within ten days, to the extent the statement made on

behalf of the petitioner and recorded hereinabove, in this order on behalf of petitioner, then the District Court is directed to accept the bail bond of the petitioner. The District Court, if so desire, may also summon the opposite party 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 strained matrimonial relationship amicably.

5.The order dated 23.08.2023 passed in Cr. Misc. No.54594 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.)

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