

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33895 of 2024

In
CRIMINAL MISCELLANEOUS No.52490 of 2023

Arising Out of PS. Case No.-3388 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Dhananjay Pandey, Male, aged about 37 years, son of Late Nityanand Pandey, Resident of Village- Parsa PS- Garkha Dist- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o- Radhey Shyam Upadhyay, W/o- Dhananjay Pandey R/V- Ratanpur Basant Ps- Avtar Nagar Dist- Saran at Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-07-2024 Heard Mr. Chandra Mohan Jha, 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 19.08.2023 passed in Cr. Misc.

No.52490 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 four 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 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 for release the petitioner on any other condition.

4. Mr. Ajit Kumar, learned APP submitted that the complaint discloses offence against the petitioner and his family members due to strained matrimonial relationship and the rage being private in nature, is not going to affect the society at large.

5. 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 19.08.2023,



passed in Cr. Misc. No.52490 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 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.

6. The order dated 19.08.2023 passed in Cr. Misc. No.52490 of 2023 is modified to the aforesaid extent only. Rest parts of the order shall remain intact.

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

(Purnendu Singh, J)

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