

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55148 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- MAHILA P.S. District- Rohtas

Pawan Kumar, S/o Late Rajeshwar Singh, Resident of village - Dhaudand,
P.S.- Sasaram, Distt- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari @ Guriya Kumari, D/o Lav Singh Resident of village -
Chanka, P.O.- Penar, P.S.- Nokha, Distt- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-12-2022 Heard Mr. Rajani Kant Singh, learned counsel
appearing on behalf of the petitioner and Mr. Pawan Kumar
Chaurasia, learned A.P.P. appearing for the State, in virtual
Court.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 10 of 2022, for the offence punishable
under Sections 341, 323, 313, 498A, 504 and 494/34 of Indian
Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The present application primarily relates to
matrimonial dispute. It is alleged that the petitioner is already
living along with a lady and has deserted his wife namely
Priyanka Kumari, opposite party no.2.

Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is ready to keep his wife



who is opposite party no.2 along with his daughter aged about 4 ½ years.

Learned counsel appearing on behalf of the opposite party no.2 submitted that the petitioner has deserted his wife (informant) who is taking care of their minor daughter. Petitioner had brutally kicked her out while she was pregnant. He, however, submitted that if the petitioner is ready to return back the cash amount of Rs.4,00,000/- and ornaments and in the meantime, the petitioner provides Rs.50,000/- as an immediate measure for her livelihood, she has no objection for the petitioner being released on bail. Learned counsel further submitted that the parties have not lodged any case for dissolution of their marriage or any other case apart from the present case.

Considering the rival submissions of the parties, this Court finds force in the submission made on behalf of the opposite party no.2. If the petitioner supports the opposite party no.2 by giving Rs.50,000/- in cash or by way of any instrument as an immediate measure for her livelihood, the petitioner is directed to be released on provisional bail subject to the condition that the petitioner will undertake on affidavit before the court below that he will return back the amount of dowry as



alleged by the opposite party no.2 and the ornaments which was gifted to her by her parents during marriage.

Court below is directed to release the petitioner on provisional bail on such terms and conditions as the court below may deem fit and proper and further if the petitioner and the opposite party no.2 arrives to any amicable settlement within a period of one year, provisional bail granted to the petitioner shall be made absolute by the court below.

At this stage, learned counsel appearing on behalf of the opposite party no.2 submitted that the petitioner owns landed property and the opposite party no.2 has been deprived of the fruits of the said land. This court finds that the petitioner must give at least 50% of the produce from the said land to the opposite party no.2.

This order will not affect if the parties prefer remedy under any Act relating to resolution or dissolution of their marriage.

Accordingly, with the above observation and direction, the present petition is disposed of.

(Purnendu Singh, J)

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