

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12771 of 2020

Arising Out of PS. Case No.-2167 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Vijay Sharma S/o Late Matadin Sharma Resident of Village- Mansingpur
Rajauli, P.S.- Hajipur Sadar, Distt- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi W/o Vijay Sharma Presently residing at C/o Guddar Sharma,
Mohalla- Kajipur, P.O.- Bankipur, P.S.- Kadam Kuan, Distt- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mani Madhukar, Advocate.
For Opposite Party No.2	:	Mr. Anil Kumar Singh, Advocate.
For the State	:	Mrs. Indu Kumari Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-03-2023 Heard Mr. Mani Madhukar, learned counsel

appearing on behalf of the petitioner; Mr. Anil Kumar Singh,

learned counsel appearing on behalf of the opposite party no.2

and Mrs. Indu Kumari Srivastava, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2167 of 2017 registered for the
offences punishable under Sections 498(A)/34 and 494 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

3. Mr. Mani Madhukar, learned counsel appearing on
behalf of the petitioner submitted that the petitioner is ready to
keep his wife with full dignity and honour and to that effect he



has made specific statement in Para-13 of the bail application.

4. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the matter relates to matrimonial dispute between the husband and the wife and the petitioner has agreed to live along with his wife and he will provide her all physical and economical need. Considering the nature of allegation made against the petitioner, it would be proper that the petitioner be directed to approach his wife for leading a happy matrimonial life.

5. Considering the rival submissions made by the parties and the fact that the petitioner is ready to lead a happy matrimonial life, it would be proper to direct the petitioner to seek protection from the Senior Superintendent of Police, Patna who will provide him proper protection to enable him to visit his matrimonial home where his wife (opposite party no.2) resides along with her parents. The police official deputed along with the petitioner must ensure that the parents of the opposite party no.2 don't cause any hindrance in allowing her daughter who is wife of the petitioner to accompany the petitioner so that they can lead a happy matrimonial life without any interference of the parents of the either side.



6. Senior Superintendent of Police, Patna is further directed to depute a female police officer not below the rank of the Dy. S.P. to hold a meeting with the husband and wife after two weeks and if the couple are ready to live together without any complaint, such report must be furnished before the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur who will grant provisional bail to the petitioner and thereafter he is required to see the conduct of the either parties for a period of one year and should also strive to reconcile the matrimonial dispute between the husband and the wife and if it is found that no complaint is made by the either parties during the aforesaid period, the provisional bail granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. In case the Senior Superintendent of Police, Patna don't entrust any of the police officer not below the rank of Dy. S.P., till then the interim protection granted by this Court must continue and petitioner is directed to surrender before the court below within one week thereafter. If he fails to comply with the present order, the interim protection granted to the petitioner will automatically loose its force.



8. Let a copy of this order be communicated to the
Senior Superintendent of Police, Patna.

9. With the aforesaid observation and direction, the
bail application stands disposed of.

(Purnendu Singh, J)

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