

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29791 of 2020

Arising Out of PS. Case No.-3800 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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Mukesh Kumar, son of Om Prakash Rai Resident of Village- Bardahiya, P.S.-
Madhaurah, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Mukesh Kumar and Daughter of Raj Kishore Prasad
Resident of Village- Bardahiya, P.S.- Madhaurah, District- Saran. At present-
D/o Raj Kishore Prasad, R/o Village- Jawiniyan, P.S.- Madhaurah, District-
Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate. Mr. Ravi Prakash, Advocate.
For the Informant	:	Mr. Rakesh Ranjan, Advocate.
For the Opposite Party/s	:	Mrs. Asha Devi, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-03-2023 Heard Mr. Gagandeo Yadav, learned counsel assisted

by Mr. Ravi Prakash, learned counsel appearing on behalf of the

petitioner; Mr. Rakesh Ranjan, learned counsel appearing on

behalf of the opposite party no.2 and Mrs. Asha Devi, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 3800 of 2015 registered for the
offences punishable under Sections 498(A), 494, 379 and 323 of
the Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.



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

4. Mr. Rakesh Ranjan, learned counsel appearing on behalf of the opposite party no.2 informs this Court that the opposite party no.2 is also ready to live with the petitioner and she only wants that the petitioner must provide a separate dwelling to his concubine, if any. The petitioner must reside along with the opposite party no.2 along with only male child with full dignity and honour.

5. 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.

6. 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 Superintendent of Police, Saran 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.

7. The Superintendent of Police, Saran 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 within two weeks and if it is found that the couple are ready to live together without any complaint, such report must be furnished before the Sub-Divisional Judicial Magistrate, Saran at Chapra 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 if he finds that for any minor reason there is difference then he should 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.

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

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

(Purnendu Singh, J)

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