

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33233 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ajay Kumar Son of Yodha Mahto Resident of Village - Rustampur, P.s.- Roh,
Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari D/o vaigraj Mahto Resident of Village - Rustampur, P.s.- Roh, Distt.- Nawada . At Present Address- Manwa, P.s.- Hisuya, Distt.- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anand Kishore Sinha, Advocate
For the Opposite Party/s :	Mr. Madhura Nand Jha, A.P.P.
	Mr. Pramod Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-04-2023 Heard Mr. Anand Kishore Sinha, learned Counsel appearing on behalf of the petitioner; Mr. Pramod Kumar Verma, learned counsel appearing on behalf of the informant and Mr. Madhura Nand Jha, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Complain Case No. 146 of 2021 registered for the offence punishable under Sections 498(A), 323, 504, 379 and 307 of the Indian Penal Code in which Cognizance has been taken under Section 498(A) of the Indian Penal Code.

3. Prosecution story in brief is that due to strained



relationship, the opposite party no.2 who is the wife of the petitioner has been forced to file a complaint alleging therein that the petitioner along with his family members used to demand Rs. 5,00,000/- as dowry and for non-fulfillment of the said demand, she was subjected to assault and torture.

4. Vide order dated 25.11.2022, the matter was sent before the Mediation Centre for reconciliation between the parties but the mediation has failed. A report of learned mediator is on record.

5. Learned counsel appearing on behalf of the petitioner informs this Court that petitioner is ready to keep the opposite party no. 2, who is his legally wedded wife, with full dignity and honour and he will fulfill all the physical as well as financial requirement of the opposite party no. 2.

6. 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 along with the petitioner.

7. Considering the willingness of the parties and in the interest of justice, this Court finds that the petitioner be released provisionally on pre-arrest bail so that he can lead a happy conjugal life subject to the condition that either party should not resort to any illegal act.



8. The petitioner is directed to be released provisionally on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complain Case No. 146 of 2021, on any terms and conditions as fixed by the Court below.

9. If no complain is found to be made by either parties for one year, the provisional bail granted to the petitioner shall be made absolute subject to the terms and conditions as laid down under Section 438(2) of the Cr.P.C. and further any condition fixed by the Court below.

10. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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