

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34551 of 2022

Arising Out of PS. Case No.-1534 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Arjun Kumar Singh Son of Rajeshwar Singh R/o Village- Vavan Toli, P.S.-
Goraul, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Arjun Kumar Singh, D/o- Late Shiv Chandra Prasad Singh At Present Address- Village And Post- Jarang Rampur, P.S.- Vaishali (Belsar O.P.), District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Sinha, Advocate.
For O.P. No.2	:	Mr. Rajeev Ranjan-II, Advocate.
		Mrs. Priyanka Kumari, Advocate.
		Ms. Anjana Gupta, Advocate.
		Ms. Kumari Rupa, Advocate.
For the Opposite Party/s :		Mr.Shantanu Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 03-04-2023 Heard Mr. Ashok Kumar Sinha, learned counsel appearing on behalf of the petitioner; Mr. Rajeev Ranjan-II, learned counsel assisted by Ms. Priyanka Kumari, learned counsel for the opposite party no.2 and Mr. Shantanu Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1534 of 2021 registered for the offence punishable 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 motorcycle as dowry and for non-fulfillment of the said demand, she was subjected to assault and torture.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is ready to keep his wife i.e. opposite party no.2 with full dignity and honour, however, opposite party no.2 has never established any matrimonial relationship with the petitioner and she was compelled to remain at her parental home just after few years of marriage.

5. Learned counsel appearing on behalf of opposite party no.2 informs this court that the opposite party no.2 is ready for one time settlement as she is also not happy with the petitioner and is willing to separate with the petitioner.

6. Considering the nature of allegation and the fact that the petitioner and the opposite party no.2 being husband and wife are having strained relationship and they are ready for some sort of mutual settlement, it would be in the interest of the couple to direct the petitioner to be released on pre-arrest bail provisionally so that the couple may arrive at any mutual agreement.



7. The petitioner is directed to be released on pre-arrest bail provisionally on such terms and conditions as the court below deems it fit and proper.

8. The respective parties who are husband and wife must inform the court regarding their respective desire by filing affidavit before the court below. If the parties agrees to reconcile their matrimonial dispute or if they want to be separated, they may avail appropriate remedy in accordance with law, in either case, the court below is directed to confirm the provisional pre-arrest bail granted to the petitioner as per the condition as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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