

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35531 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA PS District- Jehanabad

Nishu Kumar S/O Amresh Singh @ Amresh Sharma Resident Of Village-
Mansa Bigha, Police Station- Khizersarai And District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari D/O Vinay Sharma Resident Of Village- Nandanpura, P.S.-
Tehta O.P. (Makhdumpur), District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s :	Mr. Renu Kumari, A.P.P.
	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-04-2023 Heard Mr. Ravi Prakash, learned counsel appearing
on behalf of the petitioner, Mr. Shailendra Kumar Jha, learned
counsel for the informant and Mr. Ajit Kumar, learned A.P.P. for
the State.

2. The petitioner seeks pre-arrest bail in connection
with Jehanabad Mahila P.S. Case No. 11 of 2021 registered for
the offence punishable under Sections 341, 323, 427, 498(A),
504/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. 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.

4. Learned counsel appearing on behalf of the petitioner informs this Court that mediation has failed only because of the fact that the parties were carried by their personal ego and also due to the interference of the family members which according to him appears to be unwarranted. He further submitted that he has received instruction that petitioner is willing to live along with the opposite party no. 2, who is his legally wedded wife having one minor girl child.

5. Opposite party no. 2 has no objection. He submitted that petitioner was very caring in the initial stage and he used to take care of every need of the informant but abruptly, because of the interference of the family members, matrimonial relationship strained.

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, Jehanabad 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, Jehanabad 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 learned Sub-Divisional Judicial Magistrate, Jehanabad, 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, Jehanabad.



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

(Purnendu Singh, J)

Niraj/Nilmani

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