

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36963 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

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Ajay Mahto @ Ajay Kumar Mahto Son Of Ram Sevak Mahto R/O Village-
Khajuhatti, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Wife Of Ajay Mahto, D/O- Virgu Mahto R/O Village-
Kund Budsi, P.S.- Sidhwalia, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P.

Mr. Surendra Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

- 3 06-04-2023 Heard Mr. Amir Alam, learned counsel appearing on

behalf of the petitioner; Mrs. Sharda Kumari, learned A.P.P. for
the State and Mr. Surendra Prasad Gupta, learned counsel for
the opposite party no. 2.

2. The petitioner seeks pre-arrest bail in connection
with Baikunthpur P.S. Case No. 37 of 2022 dated 06.02.2022 for
the offence punishable under Sections 341, 323, 504 and 498A
of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

3. It is informed by learned counsel appearing on



behalf of the petitioner that mediation has failed. The couple could not reconcile their strained relationship. He further submitted that petitioner is ready to keep his wife (O.P. No. 2). However, some protection be granted to him so that family members of opposite party no. 2 should not indulge in any illegal act. Petitioner has supported his submission by informing this Court that family members of the opposite party no. 2 has brutally assaulted him and the petitioner was forced to lodge an FIR.

4. Learned counsel appearing on behalf of the opposite party no. 2 informs this Court that a false and fabricated allegation has been leveled against the O.P. No.2 and her close family member by the petitioner only to deny the right of the opposite party no. 2, who is legally wedded wife of the petitioner. It is further submitted that O.P. No.2 is ready to live with the petitioner subject to the condition that petitioner is required to withdraw the criminal case.

5. At this stage learned Counsel appearing on behalf of the petitioner stated that petitioner is ready to withdraw the criminal case.

6. Considering the development which has taken place during the pendency of the present bail application, it appears



that the petitioner has taken deliberate steps to lodge FIR after obtaining interim protection from this Court vide order dated 22.11.2022 and is ready to withdraw criminal case and the fact that the opposite party no. 2 is also ready to live with the petitioner, if the petitioner treats her as his wife and keep her with full dignity and honour, this Court finds that some time may be granted to the parties to reconcile their strained relationship. It would be in the interest of justice that petitioner may released provisionally on pre-arrest bail subject to the condition that either party must restrain from resorting to take any illegal measures and lead a happy conjugal life. The Court below, considering the object of the fact must strive to reconcile the strained relationship of the parties.

7. 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 Judicial Magistrate 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 37 of 2022, on any terms and conditions as fixed by the Court below

8. If the parties live a happy conjugal life and do not



make any complain at least for a period of 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.

(Purnendu Singh, J)

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