

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37031 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- JHAJHA District- Jamui

Birendra Kumar Yadav @ Birendra Yadav Son Of Shobhan Yadav R/O- Vill-
Balio, P.S.- Jhajha, Dist.-Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 16-03-2023 Heard Mr. Amrendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Umanath Mishra,

learned APP appearing on behalf of State.

2. The petitioner seeks pre-arrest bail in connection
with Jhajha P.S. No. 123 of 2021 registered under Section 341,
323, 308, 498(A), 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that petitioner
was married to Opposite Party No. 2 and after marriage the
petitioner started demanding dowry of Rs. 2 lakhs and for non-
fulfillment of the said demand the petitioner started assaulting
the Opposite Party No. 2.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has made a specific
statement in Paragraph No. 14 of the bail application that



petitioner is ready to keep Opposite Party No. 2 with full dignity and honour. Learned counsel further submitted that the petitioner is also ready to support Opposite Party No. 2 both financially and physically.

5. Mr. Umanath Mishra, learned APP for the State has submitted that it seems that the party due to strain relationship are having some grudge which has lead to the filing of the present complaint petition.

6. Considering the nature of allegation, it appears to this Court that petitioner is ready to keep Opposite Party No. 2 with full dignity and honour and is also ready to support her financially, an opportunity be given to the petitioner to reconcile the matrimonial strain between the parties. It would be in the interest of justice to give some time to the couple to reconcile their matrimonial dispute and lead a happy married life. Prime facie, it appears to this Court that petitioner has made out a case to be released on pre-arrest bail. The petitioner is directed to be released on pre-arrest bail with a condition that parties may strive to reconcile their matrimonial dispute, in case, the Court below finds that it would be proper to refer the matter to the Mediation Centre the same be done after a period of one year. If either side do not make any complaint and they lead their



matrimonial life happily, then the pre-arrest bail granted to the petitioner must be made absolute on such terms and conditions as the Court below deem to be fit and proper.

7. Court below is directed to release the petitioner on pre-arrest bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned CJM, Jamui in connection with Jhajha P.S. Case No. 123 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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