

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43575 of 2022

Arising Out of PS. Case No.-1083 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Dharmendra Kumar Son of Late Shivji Singh resident of Mohalla- Rajiv Nagar, Road No. 15-B, P.S.- Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sourabh, wife of Sri Dharmendra Kumar, Daughter of Sri Virendra Singh resident of Mohalla- Rajiv Nagar, Road No. 15-B, P.S.- Rajiv Nagar, District - Patna, presently residing at Village - Kanker, P.S.- Badem Navinagar, District - Aurangabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshansh Ankit, Advocate.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

11 04-05-2023 Heard Mr. Akshansh Ankit, learned counsel appearing on behalf of the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1083 of 2017, Tr. No. 1627 of 2019 registered for the offence punishable under Sections 323 and 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

3. The present case relates to matrimonial dispute between the petitioner and the opposite party no.2 who are husband and wife.



4. It is informed by learned counsel appearing on behalf of the petitioner that the petitioner is ready to live along with the opposite party no.2 and in this regard he has already filed a restitution petition. Learned counsel further submits that the petitioner appeared before the Mediation Centre on three occasions but in spite of notices having been served upon the opposite party no.2, she never appeared for reconciliation.

5. Considering the submission made on behalf of the petitioner that he is still ready to keep his legally wedded wife i.e. opposite party no.2 and wants to reconcile the strained matrimonial relationship to live a happy married life and to that effect he has made specific submission in Para-11 of the bail application that he will keep the opposite party no.2 with full dignity and honour and will fulfill all her physical and financial desire. The Courts are required to strive to reconcile the strained matrimonial relationship between the couple as per the objective of the Family Court Act, the court below is directed to hold a reconciliation proceeding between the opposite party no.2 and the petitioner. If the opposite party no.2 disagrees for any unwanted reason, then in that case, the petitioner must be released on anticipatory bail forthwith on such terms and conditions as the court below deems it fit and proper. If the



parties desire to reconcile their strained relationship and if it found by the court below that parties cannot reconcile their strained relationship, in that case also, the petitioner must be released on bail, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

6. The bail application stands disposed of.

(Purnendu Singh, J)

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