

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47131 of 2023

Arising Out of PS. Case No.-1650 Year-2021 Thana- SIWAN COMPLAINT CASE District-Siwan

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NARENDRA PRASAD Son of Balkishan Prasad @ Bal Kishun Resident of village-Kail Tola Bazar, P.S.-Barharia, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. KIRAN DEVI Wife of Narendra Prasad Resident of village Kail Tola Bazar, P.S.-Barharia, District-Siwan, At present Daughter of Late Rajendra Prasad, P.S.-Barharia, District-Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Advocate.
For the Opposite Party/s : Mr.Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Raghwendra Pratap Singh, learned counsel appearing on behalf of the petitioner and Mrs. Meena Singh, learned APP for the State and Mr. Gajendra Kumar Singh, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1650 of 2021 registered for the offence punishable under Sections 323 and 498A/34 of the Indian Penal Code.

3. The present case relates to matrimonial dispute between the parties who are husband and wife.

4. This court made a query from learned counsels appearing on behalf of the parties that whether the complainant



is ready to live along with the petitioner in light of the specific statement made by the petitioner in Para-11 of the bail application, the complainant is ready to live along with the petitioner subject to the condition that petitioner fulfills all her physical and financial desire as and when she demands for living a comfortable life and keeps her with fulfill dignity and honour.

5. Considering the above submission made on behalf of the parties, both the parties are directed to file a joint affidavit before the court below to the effect that the parties have agreed to live together and petitioner must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as well as financial requirement of the complainant so that she can lead a dignified life without any interference of any of the family members of the petitioner.

6. If such affidavit is filed within a period of four weeks, petitioner, above named, is directed to be released 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in connection with



Complaint Case No. 1650 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that no coercive step shall be taken against the petitioner for four weeks from the date of passing of this order to enable him to file joint affidavit. In case, the petitioner is not able to persuade the complainant, in that case, the court below must proceed to mediate between the parties and see that the parties resolve their dispute amicably and lead a happy matrimonial life. The court below is at liberty to extend the time required for the said purpose taking into consideration that the court should strive for amicable settlement of matrimonial dispute between the husband and the wife till last.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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