

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48082 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- DHANARUA District- Patna

Inderlok Paswan, Son of Suresh Paswan, Resident of village-Jahanpur, P.S.-
Dhanarua, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Madhuri Devi, D/o Uday Paswan, Resident of Village-Lachchhu Bigha, P.S.-
Dhanarua, District-Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar, APP
For the O.P. No. 2	:	Mr. Dharmendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Dhanarua P.S. Case No. 130 of 2021 registered for the offences punishable under Sections 341, 323, 498(A)/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. As per the prosecution story, O.P. No. 2 and the petitioner solemnised marriage four years ago and they got one girl child out of the wedlock. It is alleged that on 17.05.2021 at about 08:00 A.M. when O.P. No. 2 was cooking, her husband, mother-in-law, brother-in-law and sister-in-law started abusing and assaulting her. It is alleged that her husband and mother-in-

law dragged her by pulling her hair and ousted her from the matrimonial house and threatened to kill. It is further alleged that her mother-in-law asked her to get Rs.50,000/- and a gold chain from her parents only then she would be allowed to live in the house.

4. Learned counsel for the petitioner submits that it is the opposite party no. 2 who is not willing to live with the petitioner. She was always going away from the matrimonial home and has refused to come back. The petitioner has filed a divorce petition in the learned court below.

5. On the other hand learned counsel for the opposite party no. 2 has opposed this application. It is submitted that the petitioner has thrown the opposite party no. 2 out of the matrimonial home after assaulting her.

6. From the materials available on the record, particularly, the observations in the impugned order of the learned Additional Sessions Judge-I, Masauri, it appears that during investigation of the case, the petitioner has been given benefit of Section 41-A of the Code of Criminal Procedure. At this stage, a chargesheet has been filed. In the opinion of this Court, the case of the petitioner would be covered by the judgment of the Hon'ble Supreme Court in the case of **Satender**

**Kumar Antil versus the Central Bureau of Investigation and
Another reported in (2022) 10 SCC 51.**

7. This Court is, therefore, disposing of this application with liberty to the petitioner to surrender in the court below by filing an appropriate application which will be considered by the learned court below keeping in view the judgment of the Hon’ble Supreme Court in the case of **Satender Kumar Antil** (supra) and an appropriate order shall be passed abiding by the said judgment.

8. Learned counsel for the informant has submitted that the informant is looking for an amicable settlement of the matrimonial dispute, if it is so, she may request the learned court below to send the records to the mediation centre attached to the court where all efforts may be taken for conciliation between the parties.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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