

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48661 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- PURAINI District- Madhepura

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Amit Acharya Son of Ramchandra Acharya R/o Karama, P.S- Puraini and
dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Daughter of Jeevanand Thakur, W/o Amit Acharya R/O-
Karama Ward no. 1, P.S- Puraini, Dist- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Verma, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 18-05-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection
with Puraini P.S.Case No.20/2022 registered under Sections
341, 323, 498A, 504, 506/34 of IPC.

3. The prosecution story, in brief, is that the informant
got married with the petitioner in the year, 2011 according to
Hindu customs and rites and she was blessed with a female
child aged about 9 years. However, since the year 2014, she was
subjected to torture due to non-fulfilment of dowry demand of a
motorcycle and Rs.2 lac cash.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner seeks divorce from the



informant.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that the petitioner and O.P.no.2, who are husband and wife, are directed to appear before the learned court below by their respective affidavits with terms and condition on which they want to settle. The affidavit is required to be filed within a period of six weeks. Till then no coercive steps shall be taken against the petitioner in connection with Puraini P.S.Case No.20/2022, pending in the court of the learned ACJM II, Udakishunganj.

7. If the parties want to live together, the petitioner above named is directed to be released on pre-arrest bail provisionally, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and on such terms and conditions the learned court below deems fit and proper.

8. In case the parties disagree to live together, the Court below will strive to reconcile the matrimonial dispute between the parties by referring the matter before the District Mediation Court. The petitioner is also directed to be released on provisional bail till the report of the District Mediation Centre is received in the concerned court. After the report is



submitted and the parties reconcile or agree to live separately on the basis of terms and conditions of the agreement, the learned court below is directed to observe the conduct of the petitioner for a period of one year and if no complaint is made by O.P.no.2, the provisional bail granted to the petitioner shall be confirmed subject to conditions as laid down under Section 438(2) of Cr.P.C.

9. Accordingly, the bail application is disposed of.

(Purnendu Singh, J)

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