

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49557 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- MAHILA P.S. District- Patna

Abhishek Kumar Son Of Umesh Prasad @ Umesh Kumar R/O Village- Aasho
Chak (Nand Lal Chhapra), P.S.- Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tannu Kumari D/O Mohan Prasad R/O Village- Vazirpur, P.S.- Bikram,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan No. 1, Advocate

For the Opposite Party/s : Mr. Ramishwar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 11-05-2023 Heard Mr. Rajesh Ranjan No. 1, learned counsel
appearing on behalf of the petitioner and Mr. Ramishwar
Prasad, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 148 of 2014 registered under
Sections 341, 342, 325, 323, 498(A) and 341 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act, 1961.

3. The prosecution story, in brief, is that due to non-
fulfillment of dowry, the petitioner and his family members
started misbehaving and assaulted Opposite Party No. 2, who is
his legally wedded wife.

4. Learned counsel appearing on behalf of the
petitioner submits that the specific statement has been made in



Paragraph No. 13 of the bail application that petitioner is ready to keep the complainant-Opposite Party No. 2 with full dignity and honour rather the Opposite Party No. 2 is not ready to live along with the petitioner.

5. Learned counsel appearing on behalf of the Opposite Party No. 2 submits that the Opposite Party No. 2 is ready to live along with the petitioner, if he fulfills her physical as well as financial needs and keep her with full dignity and honour.

6. Considering the rival submission of the parties and willingness of the petitioner that he is ready to keep Opposite Party No. 2 with full dignity and honour and also fulfill her physical as well as financial demand, the petitioner above named is directed to be released provisionally on pre-arrest bail.

7. The petitioner is directed to approach the Superintendent of Police, Patna along with a copy of this order who will provide him proper protection to enable him to visit his matrimonial home where his wife (opposite party no.2) resides. The police official deputed must ensure that the parents of the opposite party no. 2 don't cause any hindrance in allowing their daughter who is wife of the petitioner to accompany the petitioner so that they can lead a happy



matrimonial life without any interference of the parents of the either side.

8. The Superintendent of Police, Patna must ensure that Opposite Party No. 2 willingly accompany the petitioner to her matrimonial house within a period of one week, in case Opposite Party No.2 finds that petitioner involves in any type of assault or demand dowry then in that case she is free to complain before the Superintendent of Police, Patna who will ensure all protection to her and take legal action against the petitioner.

9. Court below is directed to observe the conduct of the petitioner for a period of one year and if no complaint is made by the Opposite Party No. 2, the provisional bail granted to the petitioner shall be confirmed subject to the conditions as laid down under Section 438(2) Cr.P.C.

10. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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