

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50381 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- ROSERA District- Samastipur

Subhash Kumar son of Dharam Raj Mandal @ Dharam Raj Singh Resident of village Dahiyar, P.S. Hathauri (Shivaji Nagar O.P.), District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari Daughter of Baijnath Mandal Resident of village Fatehpur, P.S.Rosera, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarbottam Kumar Sarkar, Advocate
For the Informant	:	Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-05-2023 Heard Mr. Sarbottam Kumar Sarkar, learned Counsel appearing on behalf of the petitioner; Mr. Amit Kumar Singh, learned Counsel appearing on behalf of the Informant and Mr. Ajit Kumar, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Rosera P.S. Case No. 164 of 2022 offences punishable under Sections 341, 323, 498(A), 504 and 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, 1961.

3. Learned Counsel appearing on behalf of the petitioner submits that due to some unwanted reason his matrimonial relationship strained which resulted into filing of complaint against the petitioner by the Opposite Party No.2. Learned counsel further submits that he has made specific



statement in paragraph No. 15 on behalf of petitioner that he is willing to live with the informant with full dignity and respect but informant does not want to live with the petitioner and fled away with her lover namely, Pankaj Kumar.

4. Learned Counsel appearing on behalf of the Opposite Party No.2 submits that the statement to extent that informant does not want to live with petitioner (husband) and her daughter and instead had fled away with her lover is incorrect. Learned counsel further informs that informant is present in the Court and she has all desire to live with the petitioner subject to the condition that the petitioner fulfill all her physical desire and financial needs and keep her with full dignity and honour. She has no objection to revive her matrimonial life with the petitioner. It has been informed by learned Counsel appearing on behalf of the Opposite Party No.2 that O.P. No.2 will execute joint affidavit.

5. Considering the fact that the parties are having strained matrimonial relationship and the readiness of the petitioner to keep the opposite party No.2 with full dignity and honour and he will also ensure her physical desire as well financial desire forthwith, the petitioner and the O.P. No.2 are directed to appear before the Court below by filing a joint



affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within three weeks.

6. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail provisionally on such terms and conditions as the Court below deems it fit and proper.

7. If Opposite Party No. 2 is willing to live along with the petitioner and for any reason the petitioner does not take from her matrimonial home, in that case the Opposite Party No.2 has every right to seek protection from the Superintendent of Police, Samastipur, who will provide a lady police officer not below the rank of Deputy Superintendent of Police, who will ensure that the petitioner must give proper respect and keep her with full honour and dignity as has been stated in paragraph No.15 of the bail application.

8. Learned A.P.P. appearing on behalf of the State is directed to communicate this order to Superintendent of Police, Samastipur. in case, the Superintendent of Police, Samastipur finds that petitioner has made incorrect statement in paragraph No. 15 by not obeying the order of this Court and abiding his undertaking as made in the said paragraph, in that case the petitioner is directed to be taken into custody.



9. The 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 O.P. No.2, the provisional bail granted to the petitioner shall be confirmed subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J)

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