

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53996 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Dhankush Ojha Son of Kedar Nath Ojha, Resident of Village Sahpur
Semariya Ojha Patti PS Sahpur Dist Bhojpur

... .. Petitioner/S

Versus

1. The State of Bihar
2. Kiran Ojha Wife of Dhankush Ojha Resident of Village- Sahpur, Semariya
Ojha Patti, PS- Sahpur, Dist- Bhojpur.
At present address : D/O Ses Narayan Mishra Village-Sato Simri,
P.S.Simari, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the Complainant	:	Mr.Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2023 Heard Mr. Raju Kumar Singh, learned counsel

appearing on behalf of the petitioner; Mr. Shailendra Kumar

Singh, learned APP for the State and Mr.Sunil Kumar, learned

counsel for the complainant.

2. Petitioner seeks pre-arrest bail in connection with

Complaint Case No.76 (C) of 2021, registered for the offences

punishable under Section 498(A) of the Indian Penal Code and

Section 3/4 of D.P.Act.

3. The present case relates to matrimonial dispute

between the petitioner and Opposite Party No.2, who are



husband and wife respectively. The allegation against the petitioner is of assaulting the opposite party no.2 and driving her away from the matrimonial house.

4. Learned counsel appearing on behalf of the petitioner submitted that due to strained matrimonial relationship between the petitioner and Opposite Party No.2, who is legally wedded wife of the petitioner, the present complaint case has been filed. Learned counsel further submitted that the petitioner is ready to keep opposite party no.2 with full dignity and honour and he will also satisfy her physical desire and support her by meeting all her expenses.

5. Learned counsel appearing on behalf of Opposite Party No.2 submitted that Opposite Party No.2 is ready to live with the petitioner.

6. Learned APP for the State has vehemently opposed the prayer for pre-arrest bail of the petitioner.

7. Petitioner is directed to file an affidavit before the court below within a period of four weeks to the effect that he is ready to keep opposite party no.2 and will provide her physical, as well as, financial requirement and keep her with full dignity and honour.

8. If such affidavit is filed by the petitioner and



opposite party no.2 agrees to live together after resolving the matrimonial dispute, the petitioner is directed to be released on **provisional bail** in connection with Complaint Case No.76(C)/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and the learned court below deems fit and proper. Further condition that the petitioner must not decline to live with O.P.no.2 and he must also not decline from making payment of the amount of maintenance fixed by the learned family court in Maintenance Case No.25(M)/2021. The learned district court, in case of failure, must be under obligation to communicate the order to the authority under whose jurisdiction the petitioner is presently posted and working.

9. It has been informed by Mr. Sunil Kumar, learned counsel appearing on behalf the complainant that the petitioner is posted in the office of S.P., Pandu in the district of Kamrup (Assam). The learned district court may verify the correct address from the complainant.

10. If no any complaint is made by the Opposite Party No.2 in any manner, the provisional bail granted to the petitioner shall be confirmed by the learned court below after observing the conduct of both the parties for one year.



11. The court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will lose its force automatically.

12. With the aforesaid observation/direction, the present application stands disposed off.

(Purnendu Singh, J)

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