

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54184 of 2023

Arising Out of PS. Case No.-722 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Akhilesh Kumar Son of Suraj Mahto R/O Village Lengura, P.S. Rajauli,
District Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Nitu Sinha Wife of Akhilesh Kumar R/O Village Lengura, P.S. Rajauli, District Nawada, At D/o Suresh Mahto, R/o Vill - Dhanawan, P.S. - Sitamarhi, Distt - Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2023 Heard Mr. Pramod Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Ramesh Chandra, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 722/2022 registered for the offence(s)
punishable under Sections 498(A) and 494 of the Indian Penal
Code.

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. The petitioner has



solemnized second marriage with one Anshu Kumari.

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 at the place where he works in the Cloth Mill at Maharashtra 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.722/2022, 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.

9. The provisional bail granted to the petitioner shall be confirmed by the court below after observing the conduct of both the parties for one year. In case the petitioner makes ill-treatment and do not keep the complainant at the place where he works, the present order will automatically lose its force.

10. 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.

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

(Purnendu Singh, J)

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