

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52490 of 2023

Arising Out of PS. Case No.-3388 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Dhananjay Pandey S/O Late Nityanand Pandey R/O Village-- Parsa, P.S-
Garkha, Distt.- Saran At Chhapra.

... .. Petitioner

Versus

1. The State of Bihar
2. Puja Kumari D/O Radheyshyam Uadhyay, W/O Dhananjay Pandey R/O
Village- Ratanpura Basant, P.S- Avtarnagar, Distt.- Saran At Chhapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Advocate
For the O.P. No.2	:	Mr. Mithilesh Kumar Arya, Advocate
For the State	:	Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Chandra Mohan Jha, learned counsel

appearing on behalf of the petitioner, Mr. Mithilesh Kumar

Arya, learned counsel appearing on behalf of the O.P. No.2 and

Mr. Nagendra Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 3388 of 2021 registered for the
offence punishable under Sections 498A, 323, 379 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The present case relates to matrimonial dispute
between the parties who are husband and wife.

4. Learned counsel appearing on behalf of
complainant submitted that O.P. No.2 is ready to live along with



the petitioner subject to the condition that petitioner fulfills all her physical and financial desire as and when she demands for living a comfortable life and keeps her with fulfill dignity and honour.

5. Mr. Chandra Mohan Jha, learned counsel appearing on behalf of petitioner willingly agreed to mediate between the parties. Mr. Mithilesh Kumar Arya, learned counsel appearing on behalf of the O.P. No.2 also agreed that he will cooperate in the mediation taking into consideration that they have two minor children so they strive for amicable settlement of matrimonial dispute between the husband and the wife.

6. Both the parties are directed to appear before Mr. Chandra Mohan Jha, learned counsel appearing on behalf of petitioner and Mr. Mithilesh Kumar Arya, learned counsel appearing on behalf of the O.P. No.2, who will fix a date within three weeks and will try to strive for amicable settlement of matrimonial dispute between the husband and the wife.

7. Considering the above submission made on behalf of the parties, both the parties are directed to file a joint affidavit before the court below to the effect that the parties have agreed to live together and petitioner must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as



well as financial requirement of the complainant so that she can lead a dignified life without any interference of any of the family members of the petitioner.

8. If such affidavit is filed within a period of four weeks, petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saran in connection with Complaint Case No. 3388 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. It is made clear that no coercive step shall be taken against the petitioner for four weeks from the date of passing of this order to enable him to file joint affidavit. In case, the petitioner is not able to persuade the complainant, in that case, the court below must proceed to mediate between the parties and see that the parties resolve their dispute amicably and lead a happy matrimonial life. The court below is at liberty to extend the time required for the said purpose taking into consideration that the court should strive for amicable settlement of matrimonial dispute between the husband and the wife till last.



10. The bail application stands disposed of.

(Purnendu Singh, J)

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