

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51291 of 2022

Arising Out of PS. Case No.-1663 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rahul Prasad Son of Sri Chhatilal Prasad Resident of Village- Bara Telpa
(Near Shiv Mandir), P.S.- Chapra (Town), P.O.- Sahebganj, Chapra, District-
Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari Wife of Rahul Prasad, D/o Sri Birendra Chaurasiya Resident
of Village- Chaurasiya, P.S.- Sonapur, District- Chapra (Saran) and presently
residing at Village- Jethuli, P.S.- Industrial Area, Hazipur, District- Vaishali
(Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramhansh Kumar Puri, Advocate.
For the Opposite Party/s : Mr.Khurshid Anwar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-04-2023 Heard Mr. Pramhansh Kumar Puri, learned counsel

appearing on behalf of the petitioner and Mr. Khurshid Anwar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1663 of 2021 registered for the
offence punishable under Sections 498(A), 406, 420/34 and
120(B) of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

3. Prosecution story, in brief, is that the complainant
who is the wife of the petitioner has alleged that the petitioner
along with his family members demanded Rs.50 lacs from the



father of the complainant to start business and for non-fulfillment of the said demand, she was subjected to assault and torture.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation levelled against the petitioner is false rather the opposite party no.2 herself is not willing to live along with the petitioner. Learned counsel for the petitioner informed this Court that the petitioner in Para-10 of the bail application has made specific statement that he is ready to keep his wife (opposite party no.2) with full dignity and honour. He is also ready to fulfill all physical and financial desire of the complainant.

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

6. Considering the allegation, the petitioner and the opposite party no.2 who are having strained relationship are directed to appear before the court below and file their respective affidavit with respect to their grievance. In case the parties want to reconcile their dispute, a joint petition is also required to be filed before the court below.

7. The petitioner is directed to be released on provisional pre-arrest bail on such terms and conditions the



court below deems fit and proper which shall be confirmed if the court gets satisfied that the parties are living together happily. In case the parties want to separate with each other, then they must produce record of such case either with respect to one time settlement or case of mutual divorce or any case filed by either parties with respect to divorce. The provisional bail shall be confirmed thereafter.

8. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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