

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53352 of 2023**

Arising Out of PS. Case No.-131 Year-2023 Thana- DINARA District- Rohtas

Vijay Shankar Upadhyay, aged about 30 years, Male, Son of Bijendra Upadhyay, Resident of Village-Ishwarapura, P.S.-Dinara, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lovely Kumari, aged about 23 years, Female, Wife of Vijay Shankar Upadhyay, D/o Kamla Tiwari Resident of Village- Sukhari Ke Barathi, P.S.-Dinara, District-Rohtas.

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Om Prakash Upadhyay, Advocate |
| For the O.P. No.2    | : | Mr. Siddharth Harsh, Advocate     |
| For the State        | : | Mr. Rajesh Kumar, A.P.P.          |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      13-12-2023                      Heard Mr. Om Prakash Upadhyay, learned counsel appearing on behalf of the petitioner, Mr. Siddharth Harsh, learned counsel appearing on behalf of the O.P. No.2 and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Dinara P.S. Case No. 131 of 2023 registered for the offence(s) punishable under Section 498A, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The present case relates to matrimonial dispute between the petitioner and the opposite party no.2 who are husband and wife. The allegation against the petitioner is of assaulting the opposite party no.2 for non-fulfillment of demand



of dowry.

4. Learned counsel appearing on behalf of the petitioner submits that due to strained matrimonial relationship between the petitioner and the opposite party no.2, who is legally wedded wife of the petitioner, the present case has been filed. Learned counsel further submits that in paragraph no. 6 of the bail application, the petitioner has stated that he 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 the opposite party no.2 submits that petitioner had agreed to pay rupees five lacs for the well being of the opposite party no. 2, however, in spite of the fact that he has made specific statement in paragraph no. 6 of the bail application that he is ready to live along with the opposite party no. 2, the petitioner is not willing to take opposite party no. 2 to her matrimonial house, which is the house of the petitioner. He further submitted that the opposite party no.2 is ready to give undertaking that she is ready to live along with the petitioner as has been stated in the open court on behalf of the petitioner by learned counsel.

6. Petitioner is also directed to file an affidavit before



the court below within four weeks to the effect that he is ready to live along with the opposite party no.2 and provide her physical, as well as, financial requirement and keep her with full dignity and honour.

7. If such affidavits are filed by the opposite party no.2 and the petitioner and opposite party no.2 agrees to live together after resolving their strained matrimonial dispute, the petitioner is directed to be released on provisional bail in the event of his surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-Sub- Judge- II, Bikramganj, Rohtas, in connection with Dinara P.S. Case No. 131 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C,

8. The provisional bail granted to the petitioner shall be confirmed after observing the conduct of both the parties. In case any of the parties complains before the court, particularly when O.P. No.2 don't desire to live together, then in that case, they are at liberty to avail remedy in accordance with law. The petitioner in that case will be released on bail. In case, the parties have resolved their dispute amicably and they reside



happily with each other, in that case, provisional bail granted to the petitioner shall be confirmed after a period of one year.

9. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J)

Niraj/-

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