

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54672 of 2023

Arising Out of PS. Case No.-976 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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MUKESH KUMAR SHARMA @ MUKESH SHARMA SON OF BECHAN
THAKUR RESIDENT OF VILLAGE - RAIMA, P.S. - SAHARGHAT,
DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUDHA DEVI WIFE OF MUKESH KUMAR SHARMA RESIDENT OF
VILLAGE - RAIMA, P.S. - SAHARGHAT, DISTRICT - MADHUBANI,
D/O. NATHUNI THAKUR, RESIDENT OF JOUNKI, P.S. -
BASHOPATTI, DISTRICT - MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha, Advocate.
For the State	:	Mrs.Pushpa Sinha.1, APP.
For O.P. No.2	:	Mr. Bimal Kumar, Advocate.
		Mr. Ashok Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

- 3 09-11-2023 Heard Mr. Ratnakar Jha, learned counsel appearing
on behalf of the petitioner; Mrs. Pushpa Sinha No.1, learned
APP for the State and Mr. Bimal Kumar along with Mr. Ashok
Kumar, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection
with CR No. 976/2022 registered for the offence punishable
under Sections 323, 379 and 498A/34 of the Indian Penal Code.

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 complaint has been filed. Learned counsel further submits that he has made specific statement in Paragraph No. 11 of the petition 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 the opposite party no.2 submits that the opposite party no.2 is ready to give undertaking that she is ready to live along with the petitioner on the terms and conditions as he has undertaken in paragraph no. 11 of the bail application as well 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 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 SDJM, Madhubani in connection with CR No. 976/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C,

8. In case of failure on the part of the petitioner, the Superintendent of Police, Madhubani is directed to take appropriate legal action against the petitioner by arresting him from the court premises or otherwise if the opposite party no.2 herself wishes not to file affidavit or live alone, then in that case, the bail order shall remain intact.

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

(Purnendu Singh, J)

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