

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52891 of 2023

Arising Out of PS. Case No.-1801 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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KAUSHIK KUMAR, aged about 34 years, Male, son of Balanath Pandey,
Resident of village- Naya Pandey Tola Shanti Bagh Ward no-22,
Narkatiaganj Ps- Shikarpur Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amita Kumari, aged about 28 years, Female, wife of Kaushik Kumar, D/o-
Sharma Pathak Village- Sahdewa Ward no-5, Ps- Raxaul Dist- East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. K. Shrivastva, Advocate
For the Opposite Party/s: Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2023 Heard Mr. A. K. Shrivastva, learned counsel

appearing on behalf of the petitioner and Mr. Akbar Ali, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with complaint Case No. 1801-C/2019 (S.C. Case No.1870 of
2022) registered for the offence(s) punishable under Sections
498A of the Indian Penal Code and Section 4 of the D.P. Act.

3. The present complaint petition has been filed by
the wife of the petitioner, who is the complainant. The matter
went before the Mediator of the Mediation and Conciliation
Centre, Patna High Court and the parties resolved amicably and



now it has been informed by opposite party no.2/complainant that petitioner is not taking her due care in terms of the agreement entered on 08.11.2023.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is ready to live along with the opposite party no.2 on the terms and conditions agreed between them.

5. Considering the nature of allegation made against the petitioner by his wife/opposite party no.2, as a result of strained matrimonial relationship and thereafter they have amicably settled the matrimonial dispute and parties are now ready to live together on the terms and conditions mentioned in the compromise petition 08.11.2023, the District Court is directed to summon the opposite party no.2/complainant and the petitioner and see whether the parties are living together and if no further complain/allegation is made by opposite party no.2 then in that case, the petitioner is directed to be released on pre-arrest bail in connection with complaint Case No. 1801-C/2019 (S.C. Case No.1870 of 2022) pending in the court of S.D.J.M., Bettiah, West Champaran on such terms and conditions as the court below deems it fit and proper under Section 438(2) of the Cr.P.C, ensuring that the petitioner will abide by the terms and



conditions of the compromise.

6. In case of failure, the District Court is directed to proceed in accordance with law and this order will automatically lose its force.

7. With the aforesaid observation/direction, the bail application stands disposed of.

(Purnendu Singh, J)

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