

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54410 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MAHILA PS District- Buxar

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1. Om Prakash Ray, aged about 30 years, Male, son of Surya Bali Ray.
 2. Surya Bali Ray, aged about 50 years, Male, son of Late Gorakh Ray.
 3. Kamlawati Devi, aged about 47 years, Female, wife of Surya Baili Ray.
 4. Ravi Shankar Ray @ Ravi Ray, aged about 32 years, Male, Son of Surya Bali Ray.
 5. Satyam Ray, aged about 22 years, Male, Son of Surya Bali Ray.
- All are residents of Village- Bhatawaliya, Police Station- Nuaow District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Gudiya Devi, aged about 27 years, Female, wife of Om Prakash Ray, D/o- Sri Bhagawan Ray at present R/o- Village- Gaighat Ps- Simari Dist- Buxar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Rang Nath Choubey, learned counsel

appearing on behalf of the petitioners and Mr. Mritunjay Kumar

Nirala, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Buxar Mahila P.S. Case No. 22 of 2023 dated 11.05.2023
registered for the offence punishable under Sections 323,
498(A) and 506/34 of the Indian Penal Code.

3. The present case relates to matrimonial dispute
between the petitioner no. 1 and the opposite party no.2, who
are husband and wife.



4. This Court made a query from learned counsels appearing on behalf of the parties that whether the informant is ready to live along with the petitioner in light of the specific statement made by the petitioner in paragraph no. 13 of the bail application. Learned counsel appearing on behalf of the informant informed that complainant is ready 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. Considering the desire 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 no. 1 must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as well as financial requirement of the informant so that she can lead a dignified life without any interference of any of the family members of the petitioner no. 1.

6. If such affidavit is filed within a period of four weeks, petitioners, above named, are directed to be released on **Provisional Bail**, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Mahila P.S. Case No. 22 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that Provisional bail shall continue till 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 informant, 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. In case parties starts living together, the provisional bail granted to the petitioners shall be made absolute on such terms and conditions as the Court below deems fit and proper.

8. The bail application stands disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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