

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54841 of 2023

Arising Out of PS. Case No.-1440 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ganesh Kumar @ Ganesh Rai @ Gangesh Rai, aged about 34 years (Male)
Son of Kishor Rai, resident of Village Raipatti, P.S. Siwaipatti, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Kumari, Wife of Sri Ganesh Rai @ Gangesh Rai Rai, D/o Upendra Rai Resident of Village Tengaraha (Dakshin Tola) P.S. Minapur District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Advocate
For the Opposite Party/s:		Mr. Shyam Bihari Singh, A.P.P. Mr. Hari Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner; Mr. Shyam Bihari Singh, learned APP for the State and Mr. Hari Kishore Thakur, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1440 of 2017 in which cognizance has been taken under Section 498(A) 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. 9 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. 9 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 Chief Judicial Magistrate 1st Class, Muzaffarpur, in connection with Complaint Case No. 1140 of 2017, 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, Muzaffarpur, 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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