

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54898 of 2023

Arising Out of PS. Case No.-2630 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Chandan Kumar Son of Ratnesh Kumar Singh @ Ratnesh Kumar Resident of
Village- Bengra, P.S.- Piyar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumar wife of Chandan Kumar R/o Village- Bengra, Ps- Piyar, Dist- Muzaffarpur, At Present D/o Deep Narayan Singh, R/o Village- Jagdishpur Malikaur, P.S.- Pusa Farm, Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Udit Narayan Singh, Advocate.
For the Opposite Party/s	:	Mr.Dashrath Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Udit Narayan Singh, learned counsel

appearing on behalf of the petitioner and Mr. Dasrath Mehta,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2630 of 2020 registered for the
offence punishable under Sections 498A and 323 of the Indian
Penal Code.

3. The present case relates to matrimonial dispute
between the parties who are husband and wife.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is ready to keep the
complainant with full dignity and honour and he undertakes to
fulfill all her physical and financial desire as and when she



demands for living a comfortable life and petitioner has also filed a Matrimonial Case No. 171 of 2021 under Section 9 of the Hindu Marriage Act for restitution of conjugal right.

5. Learned counsel appearing on behalf of the complainant tendered his appearance and informed that the petitioner is deliberately not paying the amount of maintenance to the complainant as fixed by the Principal Judge, Family Court, Muzaffarpur. He submits that if the petitioner keeps the complainant with full dignity and honour and maintains her by providing her Rs.10,000/- per month fixed by the Family Court, complainant is ready to live along with the petitioner.

6. Considering the above submission made on behalf 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 must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as well as financial requirement of the complainant so that she can lead a dignified life without any interference of any of the family members of the petitioner.

7. If such affidavit is filed within a period of four weeks, petitioner, above named, is directed to be released on **Provisional Bail**, in the event of his arrest or surrender before



the Court below within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (E) in connection with Complaint Case No. 2630 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. 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 complainant, 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 start living together the provisional bail shall be made absolute on such terms and conditions as the Court below finds it fit and proper.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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