

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54594 of 2023

Arising Out of PS. Case No.-2942 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Abodh Singh S/O Mahesh Singh @ Mahesh Bhagat R/O Village-
Cheharakala, P.S- Goraul(O.P. Katahara), Distt.- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinku Devi, D/O Ram Chandra Bhagat R/O Village- Sherpur Jalal, P.S-
Goraul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 23-08-2023 Heard Mr. Hemant Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Md. Nazir Ansari, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2942 of 2019, registered for the
offence punishable under Sections 323, 379 and 498A, 304/34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

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

4. This court made a query from learned counsels
appearing on behalf of the parties that whether the complainant



is ready to live along with the petitioner in light of the specific statement made by the petitioner in Para-10 of the bail application. Learned counsel appearing on behalf of the complainant informed that complainant is ready to 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 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.

6. 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 from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



A.C.J.M.-1, Vaishali at Hajipur in connection with Complaint Case No. 2942 of 2019, 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 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 starts living together the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as the Court below finds fit and proper.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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