

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54371 of 2022

Arising Out of PS. Case No.-908 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Avinash Shrivastava @ Avinash Kumar Shrivastava, son of Surendra Prasad Shrivastava R/o Gopalganj, Near Old R.M.S. Office, North Side of Railway Station Sasaram, Ward No. 7, P.S.- Sasaram Town, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Sinha, Wife of Daya Shankar Sinha, R/o Village- Sohni Patti, P.S.- Buxar, Distt.- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Singh, Advocate.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP.
For the O.P. No.2	:	None.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-03-2023 Heard Mr. Rakesh Singh, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State. No one appeared on behalf of opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection with Sasaram (T) P.S. Case No. 908 of 2021 registered for the offence punishable under Sections 354, 379, 498A, 323, 341 and 506/34 of the Indian Penal Code.

3. Mr. Rakesh Singh, learned counsel appearing on behalf of the petitioner submitted that the petitioner is ready to keep his wife with full dignity and honour and to that effect he has made specific statement in Para-10 of the bail application. He further submitted that on perusal of the F.I.R., it appears that



there is no allegation of either assault or any demand of dowry against the petitioner. He further submitted that the opposite party no.2 on whom process was taken to issue notice and the service report reveals that the opposite party no.2 has not received the notice through the registered post.

4. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the matter relates to matrimonial dispute between the husband and the wife and the petitioner has agreed to live along with his wife and he will provide her all physical and economical need. Considering the nature of allegation made against the petitioner, it would be proper that the petitioner be directed to approach his wife for leading a happy matrimonial life.

5. Considering the rival submissions made by the parties, this Court would have directed the petitioner to take steps for issuance of fresh notice upon the opposite party no.2, but taking into consideration the fact that the petitioner is well aware of the whereabouts of his wife who has not made any allegation against the petitioner in the F.I.R. and is ready to lead a happy matrimonial life, it would be proper to direct the petitioner who has already been granted interim relief vide order



dated 02.02.2023 to seek protection from the Superintendent of Police, Buxar who will provide him proper protection to enable him to visit his matrimonial home where his wife (daughter of opposite party no.2) resides along with her parents. The police official deputed along with the petitioner must ensure that opposite party no.2 don't cause any hindrance in allowing her daughter who is wife of the petitioner to accompany the petitioner so that they can lead a happy matrimonial life without any interference of the parents of the either side, especially opposite party no.2 who is the mother of the wife of the petitioner.

6. Superintendent of Police, Buxar is further directed to depute a female police officer not below the rank of the Dy. S.P. to hold a meeting with the husband and wife after two weeks and if the couple are ready to live together without any complaint, such report must be furnished before the Chief Judicial Magistrate, Rohtas who will grant provisional bail to the petitioner and thereafter he is required to see the conduct of the either parties for a period of one year and should also strive to reconcile the matrimonial dispute between the husband and the wife and if it is found that no complaint is made by the either parties during the aforesaid period, the provisional bail



granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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