

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57303 of 2023

Arising Out of PS. Case No.-279 Year-2020 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Sanoj Kumar Sah @ Sanoj Kumar Sahu Son Of Late Jay Govind Sah @ Jay Govind Sahu R/O Vill- Tiyar, Po- Manoharpur, Ps- Rajpur, Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari, Daughter Of Kanhaiya Prasad Sah, Wife Of Sanoj Kumar Sah @ Sanoj Kumar Sahu R/O Vill- Chini Mill, Gajadharganj, Ps- Buxar (T), Dist-Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For O.P.2	:	Mr. Sanjay Kumar Verma, Advocate
For the State	:	Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner, Mr. Sanjay Kumar Verma, learned counsel appearing on behalf of the O.P. No.2 and Mr. Nand Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 279 (C) of 2020 registered for the offence punishable under Sections 498(A) 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-07 of the bail application.

5. Learned counsel appearing on behalf of complainant informed that petitioner has filed divorce case in Civil Court, Buxar and at the same time, he has made statement in paragraph No.7 that he is ready to keep O.P. No.2 with full dignity and honour. However, he submits that he received instruction that if the petitioner is ready to withdraw the divorce case in that case 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.

6. 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 and he will withdraw the divorce case pending before the Principal Judge, Family Court, Buxar.

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 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 S.D.J.M. Buxar in connection with Complaint Case No. 279 (C) 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 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.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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