

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58986 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- KADAMKUAN District- Patna

SUMAN KUMAR @ SUMAN YADAV Son of Birendra Rai @ Biru Yadav
R/o vill - Pokhraise, P.S. and Distt. - Samastipur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rita Kumari C/o Rama Singh, wife of Suman Kumar and D/o Late Debu Rai
R/o Mohalla - Upadhyay Lane Lohanipur, Langra School P.S. and P.O. -
Kadamkuan, Distt. - Patna. Permanent resident of vill - Sagarpur Sakari, P.S.
- Pandual, Distt. - Madhubani, Pin 847234

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Paras Nath, Advocate.
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta, APP.
For the O.P. No.2	:	Mr. Krishna Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2023 Heard Mr. Paras Nath, learned counsel appearing

on behalf of the petitioner, Mr. Gauri Shankar Gupta, learned

APP appearing on behalf of the State and Mr. Krishna Kumar

Singh, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection
with Kadamkuan P.S. Case No. 238 of 2022 registered for the
offence(s) punishable under Sections 498A/34 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

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. Considering the nature of allegation made in the F.I.R. which relates to strained matrimonial relationship which has led the petitioner to marry with another lady and a divorce case is pending, this Court has made query from Mr. Krishna Kumar Singh, learned counsel appearing on behalf of the opposite party no.2 as to whether the informant is ready to live along with the petitioner, then he informed that the informant has informed him that as the petitioner is living along with some other lady, she is not inclined to lead life with the petitioner. He further submitted that the informant is entitled for permanent alimony that can only be settled by a competent Family Court and as such, before any decision comes in Matrimonial Case No. 837 of 2022 and Maintenance Case No. 246 of 2022, the informant still remains to be legally wedded wife of the petitioner.

5. Considering the aforesaid fact, District Court is directed to release the petitioner on pre-arrest bail provisionally subject to the outcome of the Maintenance Case as well as Matrimonial Case as referred in the bail application in the event of his arrest/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 Sub-Judge-X-cum-Additional Chief Judicial Magistrate, Patna in connection with Kadamkuan P.S. Case No. 238 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. In case the parties are aggrieved by the outcome of the maintenance or the matrimonial case, they may avail appropriate remedy in accordance with law. However, the District Court must strive to reconcile the strained matrimonial relationship between the parties.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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