

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57856 of 2023

Arising Out of PS. Case No.-328 Year-2019 Thana- MUNGER MUFFASIL District- Munger

SANTOSH KUMAR, S/o RAJENDRA YADAV R/O VILLAGE- I.T.C.
COLONY, SHANKARPUR, PS. MUFFASIL, DIST. MUNGER

... .. Petitioner/s

Versus

1. The State of Bihar
2. SARITA KUMAR D/o LATE BIRENDRA YADAV R/O VILLAGE- I.T.C.
COLONY, SHANKARPUR, PS. MUFFASIL, DIST. MUNGER

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Raj Kumar Choudhary, learned counsel

appearing on behalf of the petitioner and Mr. Anand Kishore

Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Munger Muffasil P.S. Case No. 328 of 2019 registered for
the offence punishable under Sections 323, 341, 354 and
498A/34 of the Indian Penal Code.

3. The dispute relates to strained relationship between
the husband and the wife. Allegation is of torture and demand of
dowry.

4. Learned counsel appearing on behalf of the
petitioner submits that as per specific statement made in Para-15
of the bail application, petitioner is ready to keep his wife with
full dignity and honour and is ready to fulfill all her financial



and physical needs. It is informed by learned counsel appearing on behalf of the petitioner that the petitioner is ready to persuade his wife for coming back to her matrimonial house to lead a happy conjugal life.

5. In these circumstances, petitioner is directed to persuade the opposite party no.2 wherever she resides and convince her so that they can lead a happy conjugal life by arriving at an amicable settlement. Petitioner is further directed to file his personal affidavit before the court below. If the court below finds that the parties are living together, may release the petitioner on provisional bail on such terms and conditions as the court below deems it fit and proper and after observing their conduct if it is found that no allegation is made by either parties, provisional bail of the petitioner shall be made absolute after a period of one year subject to the condition as laid down under Section 438(2) of the Cr.P.C.

6. In case of failure in filing affidavit by the petitioner before the court below, this order shall automatically loose its force.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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